

Washington, Wednesday, July 13, 1960

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter —Civil Service Commission .

PART 6—EXCEPTIONS FROM THE
COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the Federal Register, the headnote and subparagraphs (1) and (2) of § 6.313(c) are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-6476; Filed, July 12, 1960; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 730-RICE

Marketing Quotas, 1960; Rate of Penalty

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to announce the rate of penalty applicable to excess rice produced in the 1960 crop year.

Under the Act the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since the calculation of the penalty rate is a mathematical determination and since farmers have already planted the 1960 crop of rice on their farms and soon will be making plans to harvest such crop, it is imperative that they be notified of the amendment as soon as possible. Accordingly, it is hereby found that compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest, and the amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 730.972 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1960 crop of rice shall be 3.87 cents per pound, which is 65 per centum of the parity price per pound for rice as of June 15, 1960, which is determined to be 5.96 cents per pound."

(Secs. 356, 375, 52 Stat. 62, as amended; 66, as amended; 7 U.S.C. 1356, 1375)

Issued this 7th day of July 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6492; Filed, July 12, 1960; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Waiver of Inspection and Certification

Pursuant to the Marketing Agreement and Order No. 34 (7 CFR Part 934; 25 F.R. 4669), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the Washington Fresh Peach Marketing Committee, the administrative agency established under this marketing agreement and order, has recommended the administrative regulations, hereinafter set forth to effectuate the provisions of this marketing agreement and order. It is found that the proposed regulations are in accordance with the provisions of the marketing agreement and order and will tend to effectuate the declared policy of the act and, accordingly, such regulations are hereby approved.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011), in that (1) shipments of peaches are now being made and limitation of shipment regulations are currently in effect, (2) all shipments of peaches are subject to inspection and certification requirements under § 934.55; and these regulations relieve restrictions with respect to such inspection and certification requirements.

§ 934.110 Waiver of inspection and certification.

(a) Application. Any handler (including a grower-handler packing and handling peaches of his own production), whose packing facilities are located in an area where a Washington State Horticultural Division Inspection Office or Federal-State Inspector is not readily available to perform the required inspection may, prior to shipment, apply to the Committee for a permit authorizing a waiver of inspection. Applications shall be made on forms furnished by the Committee and shall contain such information as the Committee may require including: name and address of applicant, location of packing facility, distance of packing facility from the nearest inspection office, period (by approximate beginning and ending dates) during which applicant expects to ship peaches, estimated quantity of peaches applicant expects to ship to fresh market during such period, manner in which the majority of applicant's fruit will be marketed (i.e., transported by applicant to market, sold at orchard to truckers, etc.), areas or markets to which applicant expects to ship the majority of his peaches. The application shall also contain an agreement by applicant (1) not to ship or handle any peaches unless such peaches meet the grade, size, maturity, container, and all other requirements of the Order in effect at time of handling, (2) to report periodically to the Committee on reporting forms furnished by the Committee the following information on each shipment: quantity, variety, grade, minimum size, container, date of shipment, destination, name and address of buyer or receiver, and such other information as the Committee may specify, (3) to pay applicable assessments on each shipment, and (4) to comply with such other safeguards as the Committee may prescribe.

(b) Issuance of permit. Whenever the Committee finds and determines from the information contained in the application or from other proof satisfactory to the Committee that the applicant is entitled to a waiver from the inspection requirements of the order at time of shipment, the Committee shall issue a permit authorizing the applicant to ship peaches in accordance with these administrative regulations and the terms and conditions of such permit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 8, 1960, to become effective upon publication in the FEDERAL REGISTER.

S.R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 60-6484; Filed, July 12, 1960; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER D-REGULATIONS UNDER SOIL BANK ACT

PART 485-SOIL BANK

Subpart—Violations Procedure

MISCELLANEOUS AMENDMENTS

The Soil Bank regulations applicable to violations, 22 F.R. 2411, as amended, are hereby further amended as follows:

- 1. The third sentence of \$485.276 is amended by inserting "or certified mail" immediately following the words "registered mail."
- 2. The fifth sentence of § 485.279 is amended by inserting "or certified mail" immediately following the words "registered mail."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 7th day of July 1960.

CLARENCE D. PALMBY, Acting Administrator, Commodity Stabilization Service.

[F.R. Doc. 60-6490; Filed, July 12, 1960; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C-INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Area Regulated in Florida

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123, 125), Part 72, Title 9, Code of Federal Regulations, is hereby amended as follows:

- 1. Section 72.2 is amended by changing the heading thereof to read as set forth below and by adding the following provisions at the end of said section:
- § 72.2 Splenetic or tick fever in cattle in described territory in Florida, Texas, Puerto Rico, and the Virgin Islands of the United States; restrictions on movement of cattle.
- * * Notice is also hereby given that there is reason to believe that said disease may exist in portions of the State of Florida. Therefore, those portions of the State of Florida described in § 72.5a are hereby regulated, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.
 - 2. A new § 72.5a is issued to read:

§ 72.5a Area regulated in Florida.

- (a) The following portions of the State of Florida are regulated: Hillsborough County, Martin County, and Palm Beach County.
- (b) All of the provisions of this part and Part 71 of this chapter which are applicable to quarantined areas shall apply to such regulated areas in the same manner and to the same extent as if they were quarantined.
- (Secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 4-7, 23 Stat. 32, as

amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123, 125)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment imposes certain further restrictions necessary to prevent the spread of splenetic or tick fever. It must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 1st day of July 1960.

M. R. Clarkson, Acting Administrator, Agricultural Research Service.

[F.R. Doc. 60-6488; Filed, July 12, 1960; 8:52 a.m.]

SUBCHAPTER K—HUMANE SLAUGHTER OF LIVESTOCK

PART 180—DESIGNATION OF METHODS

Gunshot

Pursuant to the authority conferred by the Humane Slaughter Act of August 27, 1958 (7 U.S.C. 1901 et seq.), § 180.16(b) (1) (ii) of the regulations relating to humane slaughter of livestock (9 CFR 180.16(b) (1) (ii)) is hereby amended to read as follows:

- § 180.16 Mechanical; gunshot.
- (b) Facilities and procedure—(1) General requirements for shooting facilities; operator. * * *
- (ii) To assure uniform unconsciousness of the animal with every discharge where small-bore firearms are employed, it is necessary to use either hollow pointed or frangible iron plastic composition projectiles. Firearms must be maintained in good repair. For purposes of protecting employees, inspectors and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.

(Sec. 4, 72 Stat. 863; 7 U.S.C. 1904)

This amendment and the designation made thereby shall become effective upon publication hereof for purposes of section 3 of the Act with respect to United States Government contracts for procurement of livestock products under the Act. Section 3 provides in general that after June 30, 1960, no agency or instrumentality of the United States shall contract for or procure any livestock products produced or processed by any slaughterer or processor which, in any of its plants or in any plants of any slaughterer or processor with which it

is affiliated, slaughters or handles in connection with slaughter livestock by any methods other than methods designated under the act. The method of slaughtering animals by gunshot with hollow pointed bullets was previously designated as humane under the act following the endorsement by the Advisory Committee established under the act of the principle of such slaughter as humane. amendment designates as a humane method, slaughter by gunshot with frangible iron plastic composition bullets and thus applies the principle to another type of bullet. This designation provides industry with an additional humane slaughter method which will be acceptable for purposes of section 3 of the act. In order to be of maximum benefit to affected persons, the additional method should be made available for adoption by the industry as soon as possible.

The Department has given the matter careful consideration and it does not appear that new information would be made available to the Department by public rule-making procedure. Therefore under Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 8th day of July 1960.

M. R. CLARKSON,-Acting Administrator, Agricultural Research Service.

[F.R. Doc. 60-6489; Filed, July 12, 1960; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER M-MILITARY AND ARMED SERV-ICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUS-ING INSURANCE; ELIGIBILITY RE-QUIREMENTS OF MORTGAGE

Subpart A-Military Personnel

MAXIMUM MORTGAGE AMOUNT; DOLLAR LIMITATION

Section 292a.8 is amended to read as follows:

- § 292a.8 Maximum mortgage amount; dollar limitation.
- (a) The mortgage or mortgages shall involve a total principal obligation in an amount not to exceed an average of \$16,500 per family unit for such part of the project as may be attributable to dwelling use including ranges, refrigerators, shades, screens, and fixtures, less the amount of the Commissioner's estimated value of any usable utilities within the boundaries of the project where

owned by the United States and not provided for out of the proceeds of the

mortgage.

(b) Should the financing of housing to be constructed pursuant to a single invitation for bids be accomplished by two or more mortgages, the principal obligation of any single mortgage may exceed an average of \$16,500 per family unit if the sum of the principal obligations of all mortgages for such housing does not exceed an average of \$16,500 per family unit-

(c) No mortgage shall be insured unless it is established by a certificate of the Military or otherwise that the cost of no family unit contracted for after June 7, 1960, and included in the mortgaged property shall exceed \$19,800.

(d) In addition to the dollar limitation prescribed in this section the mortgage amount is subject to other limitations as provided in §§ 292a.7 and 292a.9.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

Issued at Washington, D.C., July 8, 1960.

JULIAN H. ZIMMERMAN, Federal Housing Commissioner.

[F.R. Doc. 60-6481; Filed, July 12, 1960; 8:50 a.m.l

Title 26—INTERNAL REVENUE, 1954

Chapter I-Internal Revenue Service, Department of the Treasury

> SUBCHAPTER A-INCOME TAX [T. D. 6480]

PART I-INCOME TAX; TAXABLE YEARS BEGINNING AFTER DE-**CEMBER 31, 1953**

Net Operating Loss Carryovers in Certain Corporate Acquisitions

On January 29, 1960, notice of proposed rule making regarding the regulations under section 381 (a), (b), and (c) (1) of the Internal Revenue Code of 1954, relating to net operating loss carryovers in certain corporate acquisitions, was published in the FEDERAL REGISTER (25 F.R. 756). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below. Except as otherwise specifically provided therein, such regulations shall be applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

Paragraph 1. Section 1.381 (a)-1 is changed by revising the last sentence of paragraph (b)(3)(i), the first sentence of paragraph (b) (3) (ii), and paragraph

PAR. 2. Section 1.381(b)-1 is changed by revising the last sentence of para-

graph (b) (3), and by adding a new subparagraph at the end of paragraph (b).

PAR. 3. Section 1.381(c)(1)-1 is changed by adding a new sentence at the end of paragraph (a)(1), by adding a new sentence immediately after the first sentence of example (3) of paragraph (b), and by revising example (1) of paragraph (d) (5).

PAR. 4. Paragraph (b) (5) of § 1.381 (c) (1)-2 is revised by placing a new caption at the head thereof.

DANA LATHAM, Commissioner of Internal Revenue.

Approved: July 7, 1960.

FRED C. SCRIBNER, Jr., Acting Secretary of the Treasury.

The following regulations are hereby prescribed under section 381 (a), (b), and (c) (1) of the Internal Revenue Code of 1954, relating to net operating loss carryovers in certain corporate acquisitions:

CARRYOVERS

1.381(a) Statutory provisions; carryovers in certain corporate acquisitions; general rule.

1.381(a)-1 General rule relating to carryovers in certain corporate acquisitions. 1.381(b) Statutory provisions; carryovers in certain corporate acquisitions; operating rules.

1.381(b)-1 Operating rules applicable to carryovers in certain corporate acquisitions.

Statutory provisions; 1.381(c)(1) overs in certain corporate acquisitions; items of the distributor or transferor corporation; net operating loss carry-

1.381(c)(1)-1 Net operating loss carryovers

in certain corporate acquisitions.

1.381(c)(1)-2 Net operating loss carryovers; two or more dates of distribution or transfer in the taxable year.

AUTHORITY: §§ 1.381(a) to 1.381(c)(1)-2 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

CARRYOVERS

§ 1.381(a) Statutory provisions; carryovers in certain corporate acquisitions; general rule.

SEC. 381. Carryovers in certain corporate acquisitions-(a) General rule. In the case of the acquisition of assets of a corporation by another corporation-

(1) In a distribution to such other corporation to which section 332 (relating to liquidations of subsidiaries) applies, except in a case in which the basis of the assets. distributed is determined under section 334 (b)(2); or

(2) In a transfer to which section 361 (relating to nonrecognition of gain or loss to corporations) applies, but only if the transfer is in connection with a reorganization described in subparagraph (A), (C), (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met), or (F) of section 368(a)(1),

the acquiring corporation shall succeed to and take into account, as of the close of the day of distribution or transfer, the items described in subsection (c) of the distributor or transferor corporation, subject to the conditions and limitations specified in subsections (b) and (c).

§ 1.381(a)-1 General rule relating to in certain corporate carryovers acquisitions.

(a) Allowance of carryovers. Section 381 provides that a corporation which acquires the assets of another corporation in certain liquidations and reorganizations shall succeed to, and take into account, as of the close of the date of distribution or transfer, the items described in section 381(c) of the distributor or transferor corporation. These items shall be taken into account by the acquiring corporation subject to the conditions and limitations specified in sections 381 and 382(b) and the regulations thereunder.

(b) Determination of transactions and items to which section 381 applies-(1) Qualified transactions. Except to the extent provided in section 381(c) (20), relating to the carryover of unused pension trust deductions in certain liquidations, the items described in section 381(c) are required by section 381 to be carried over to the acquiring corporation (as defined in subparagraph (2) of this paragraph) only in the following liquidations and reorganizations:

(i) The complete liquidation of a subsidiary corporation upon which no gain or loss is recognized in accordance with the provisions of section 332, but only if the basis of the assets distributed to the acquiring corporation is not required by section 334(b)(2) to be the adjusted basis of the stock with respect to which the distribution is made;

(ii) A statutory merger or consolidation qualifying under section 368(a) (1) (A) to which section 361 applies:

(iii) A reorganization qualifying under section 368(a) (1) (C);

(iv) A reorganization qualifying under section 368(a) (1) (D) if the requirements of section 354(b)(1) (A) and (B) are satisfied: and

(v) A mere change in identity, form, or place of organization qualifying under section 368(a) (1) (F).

(2) Acquiring corporation defined. (i) Only a single corporation may be an acquiring corporation for purposes of section 381 and the regulations thereunder. The corporation which acquires the assets of its subsidiary corporation in a complete liquidation to which section 381(a)(1) applies is the acquiring corporation for purposes of section 381. Generally, in a transaction to which section 381(a) (2) applies, the acquiring corporation is that corporation which, pursuant to the plan of reorganization, ultimately acquires, directly or indirectly, all of the assets transferred by the transferor corporation. If, in a transaction qualifying under section 381(a)(2), no one corporation ultimately acquires all of the assets transferred by the transferor corporation, that corporation which directly acquires the assets so transferred shall be the acquiring corporation for purposes of section 381 and the regulations thereunder, even though such corporation ultimately retains none of the assets so transferred. Whether a corporation has acquired all of the assets transferred by the transferor corporation

is a question of fact to be determined on the basis of all the facts and circumstances.

(ii) The application of this subparagraph may be illustrated by the following examples:

Example (1). Y Corporation, a wholly-owned subsidiary of X Corporation, directly acquired all the assets of Z Corporation solely in exchange for voting stock of X Corporation in a transaction qualifying under section 368(a) (1) (C). Y Corporation is the acquiring corporation for purposes of section 381.

Example (2). X Corporation acquired all the assets of Z Corporation solely in exchange for voting stock of X Corporation in a transaction qualifying under section 368(a)(1) (1). Thereafter, pursuant to the plan of reorganization X Corporation transferred all the assets so acquired to Y Corporation, its wholly-owned subsidiary (see section 368(a)(2)(C)). Y Corporation is the acquiring corporation for purposes of section 381.

Example (3). X Corporation acquired all

Example (3). X Corporation acquired all the assets of Z corporation solely in exchange for the voting stock of X Corporation in a transaction qualifying under section 368(a) (1)(C). Thereafter, pursuant to the plan of reorganization X Corporation transferred one-half of the assets so acquired to Y Corporation, its wholly-owned subsidiary, and retained the other half of such assets. X Corporation is the acquiring corporation for purposes of section 381.

Example (4). X Corporation acquired all the assets of Z Corporation solely in exchange for voting stock of X Corporation in a transaction qualifying under section 368(a)(1)(C). Thereafter, pursuant to the plan of reorganization X Corporation transferred one-half of the assets so acquired to Y Corporation, its wholly-owned subsidiary, and the other half of such assets to M Corporation, another wholly-owned subsidiary of X Corporation. X Corporation is the acquiring corporation for purposes of section 381.

- (3) Transactions and items not covered by section 381. (i) Section 381 does not apply to partial liquidations, divisive reorganizations, or other transactions not described in subparagraph (1) of this paragraph. Moreover, section 381 does not apply to the carryover of an item or tax attribute not specified in subsection (c) thereof. In a case where section 381 does not apply to a transaction, item, or tax attribute by reason of either of the preceding sentences, no inference is to be drawn from the provisions of section 381 as to whether any item or tax attribute shall be taken into account by the successor corporation.
- (ii) If, pursuant to the provisions of subparagraph (2) of this paragraph, a corporation is considered to be the acquiring corporation even though a part of the acquired assets is transferred to one or more corporations controlled by the acquiring corporation, or all the acquired assets are transferred to two or more corporations controlled by the acquiring corporation, then the carryover of any item described in section 381(c) to such controlled corporation or corporations shall be determined without regard to section 381.

Thus, for example, if a parent corporation is the acquiring corporation for purposes of section 381 notwithstanding the fact that, pursuant to the plan of reorganization, it transferred to its wholly-owned subsidiary property ac-

quired from the transferor corporation which the transferor corporation had elected to inventory under the last-in first-out method, then the question whether the subsidiary corporation shall continue to use the same method of inventorying with respect to that property shall be determined without regard to section 381.

- (c) Foreign corporations. A foreign corporation may be a distributor, transferor, or acquiring corporation for purposes of section 381. Thus, for example, the net operating loss carryovers of a foreign corporation, determined under the provisions of section 172 and subchapter N, chapter 1 of the Code, may be carried over to a domestic acquiring corporation if the domestic corporation acquires the assets of the foreign corporation in a liquidation or reorganization described in section 381(a) and the requirements of § 1.367-1, if applicable, have been complied with.
- (d) Internal Revenue Code of 1939. Any reference in the regulations under section 381 to any provision of the Internal Revenue Code of 1954 shall, where appropriate, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

§ 1.381(b) Statutory provisions; carryovers in certain corporate acquisitions; operating rules.

SEC. 381. Carryovers in certain corporate acquisitions. * * *

- (b) Operating Rules. Except in the case of an acquisition in connection with a reorganization described in subparagraph (F) of section 368(a) (1)—
- (1) The taxable year of the distributor or transferor corporation shall end on the date of distribution or transfer.
- (2) For purposes of this section, the date of distribution or transfer shall be the day on which the distribution or transfer is completed; except that, under regulations prescribed by the Secretary or his delegate, the date when substantially all of the property has been distributed or transferred may be used if the distributor or transferor corporation ceases all operations, other than liquidating activities, after such date.
- dating activities, after such date.
 (3) The corporation acquiring property in a distribution or transfer described in subsection (a) shall not be entitled to carry back a net operating loss for a taxable year ending after the date of distribution or transfer to a taxable year of the distributor or transferor corporation.

§ 1.381(b)-1 Operating rules applicable to carryovers in certain corporate acquisitions.

- (a) Closing of taxable year—(1) In general. Except in the case of a reorganization qualifying under section 368(a) (1) (F), the taxable year of the distributor or transferor corporation shall end with the close of the date of distribution or transfer.
- (2) Reorganizations under section 368(a)(1)(F). In the case of a reorganization qualifying under section 368(a)(1)(F) (whether or not such reorganization also qualifies under any other provision of section 368(a)(1)), the acquiring corporation shall be treated (for purposes of section 381) just as the transferor corporation would have been treated if there had been no reorganization. Thus, the taxable year of the transferor corporation shall not

end on the date of transfer merely because of the transfer; a net operating loss of the acquiring corporation for any taxable year ending after the date of transfer shall be carried back in accordance with section 172(b) in computing the taxable income of the transferor corporation for a taxable year ending before the date of transfer; and the tax attributes of the transferor corporation enumerated in section 381(c) shall be taken into account by the acquiring corporation as if there had been no reorganization.

(b) Date of distribution or transfer.

(b) Date of distribution or transfer.

(1) The date of distribution or transfer shall be that day on which are distributed or transferred all those properties of the distributor or transferor corporation which are to be distributed or transferred pursuant to a liquidation or reorganization described in paragraph (b) (1) of § 1.381(a)-1. If the distribution or transfer of all such properties is not made on one day, then, except as provided in subparagraph (2) of this paragraph, the date of distribution or transfer shall be that day on which the distribution or transfer of all such prop-

erties is completed.

(2) If the distributor or transferor and acquiring corporations file the statements described in subparagraph (3) of this paragraph, the date of distribution or transfer shall be that day as of which (i) substantially all of the properties to be distributed or transferred have been distributed or transferred, and (ii) the distributor or transferor corporation has ceased all operations (other than liquidating activities). Such day also shall be the date of distribution or transfer if the completion of the distribution or transfer is unreasonably postponed beyond the date as of which substantially all the properties to be distributed or transferred have been distributed or transferred and the distributor or transferor corporation has ceased all operations other than liquidating activities. A corporation shall be considered to have distributed or transferred substantially all of its properties to be distributed or transferred even though it retains money or other property in a reasonable amount to pay outstanding debts or preserve the corporation's legal existence. A corporation shall be considered to have ceased all operations, other than liquidating activities, when it ceases to be a going concern and its activities are merely for the purpose of winding up its affairs, paying its debts, and distributing any remaining balance of its money or other properties to its shareholders.

(3) The statements referred to in subparagraph (2) of this paragraph shall specify the day considered to be the date of distribution or transfer and shall specify, as of such date (i) the nature and amount of the total assets which were distributed or transferred and the dates so distributed or transferred, (ii) the nature and amount of the assets not distributed or transferred and the purpose for which they were retained, and (iii) the date on which the distributor or transferor corporation ceased all operations other than liquidating activities. Such statements shall be attached to the

timely filed income tax return of the distributor or transferor corporation for its taxable year ending with such date of distribution or transfer and to the timely filed income tax return of the acquiring corporation for its first taxable year ending after such date, except that, with respect to any income tax return filed before October 11, 1960, any such statement shall be filed before October 11, 1960, with the district director with whom such return is filed.

(4) If—

(i) The last day of the acquiring corporation's taxable year is a Saturday, Sunday, or legal holiday, and

(ii) The day specified in subpargraph (1) or (2) of this paragraph as the date of distribution or transfer is the last business day before such Saturday, Sunday, or holiday.

then the last day of the acquiring corporation's taxable year shall be the date of distribution or transfer for purposes of section 381(b) and this section. For purposes of this subparagraph, the term "business day" means a day which is not a Saturday, Sunday, or legal holiday, and also means a Saturday, Sunday, or legal holiday if the date of distribution or transfer determined under subparagraph (1) or (2) of this paragraph is such Saturday, Sunday, or holiday.

(c) Return of distributor or transferor corporation. The distributor or transferor corporation shall file an income tax return for the taxable year ending with the date of distribution or transfer described in paragraph (b) of this section. If the distributor or transferor corporation remains in existence after such date of distribution or transfer, it shall file an income tax return for the taxable year beginning on the day following the date of distribution or transfer and ending with the date on which the distributor or transferor corporation's taxable year would have ended if there had been no

distribution or transfer.

(d) Carryback of net operating losses. For provisions relating to the carryback of net operating losses of the acquiring corporation, see paragraph (b) of § 1.381 (c) (1)-1.

§ 1.381(c) (1) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; net operating loss carryovers.

Sec. 381. Carryovers in certain corporate acquisitions. • •

(c) Items of the distributor or transferor corporation. The items referred to in subsection (a) are:

(1) Net operating loss carryovers. The net operating loss carryovers determined under section 172, subject to the following conditions and limitations:

(A) The taxable year of the acquiring corporation to which the net operating loss carryovers of the distributor or transferor corporation are first carried shall be the first taxable year ending after the date of distribution or transfer.

(B) In determining the net operating loss deduction, the portion of such deduction attributable to the net operating loss carry-overs of the distributor or transferor corporation to the first taxable year of the acquiring corporation ending after the date of distribution or transfer shall be limited to an amount which bears the same ratio

to the taxable income (determined without regard to a net operating loss deduction) of the acquiring corporation in such taxable year as the number of days in the taxable year after the date of distribution or transfer bears to the total number of days in the taxable year.

- (C) For the purpose of determining the amount of the net operating loss carryovers under section 172(b) (2), a net operating loss for a taxable year (hereinafter in this subparagraph referred to as the "loss year") of a distributor or transferor corporation which ends on or before the end of a loss year of the acquiring corporation shall be considered to be a net operating loss for a year prior to such loss year of the acquiring corporation. For the same purpose, the taxable income for a "prior taxable year" (as the term is used in section 172(b)(2)) shall be computed as provided in such section; exthat, if the date of distribution or cept transfer is on a day other than the last day of a taxable year of the acquiring corpora-
- (1) Such taxable year shall (for the purpose of this subparagraph only) be considered to be 2 taxable years (hereinafter in this subparagraph referred to as the "pre-acquisition part year" and the "post-acquisition part year");
- (ii) The pre-acquisition part year shall begin on the same day as such taxable year begins and shall end on the date of distribution or transfer;

(iii) The post-acquisition part year shall begin on the day following the date of distribution or transfer and shall end on the same day as the end of such taxable year:

(iv) The taxable income for such taxable year (computed with the modifications specified in section 172(b)(2)(A) but without a net operating loss deduction) shall be divided between the pre-acquisition part year and the post-acquisition part year in proportion to the number of days in each;

(v) The net operating loss deduction for the pre-acquisition part year shall be determined as provided in section 172(b)(2) (B), but without regard to a net operating loss year of the distributor or transferor corporation; and

(vi) The net operating loss deduction for the post-acquisition part year shall be determined as provided in section 172(b)(2) (B).

§ 1.381(c) (1)-1 Net operating loss carryovers in certain corporate acquisitions.

(a) Carryover requirement. (1) Section 381(c)(1) requires the acquiring corporation to succeed to, and take into account, the net operating loss carryovers of the distributor or transferor corporation. To determine the amount of these carryovers as of the close of the date of distribution or transfer, and to integrate them with any carryovers and carrybacks of the acquiring corporation for purposes of determining the taxable income of the acquiring corporation for taxable years ending after the date of distribution or transfer, it is necessary to apply the provisions of section 172 in accordance with the conditions and limitations of section 381(c)(1) and this section. See also section 382(b) and the regulations thereunder.

(2) The net operating loss carryovers and carrybacks of the acquiring corporation determined as of the close of the date of distribution or transfer shall be computed without reference to any net operating loss of a distributor or transferor corporation. The net operating loss carryovers of a distributor or trans-

feror corporation as of the close of the date of distribution or transfer shall be determined without reference to any net operating loss of the acquiring corporation.

(b) Carryback of net operating losses. A net operating loss of the acquiring corporation for any taxable year ending after the date of distribution or transfer shall not be carried back in computing the taxable income of a distributor or transferor corporation. However, a net operating loss of the acquiring corporation for any such taxable year shall be carried back in accordance with section 172(b) in computing the taxable income of the acquiring corporation for a taxable year ending on or before the date of distribution or transfer. If a distributor or transferor corporation remains in existence after the date of distribution or transfer, a net operating loss sustained by it for any taxable year beginning after such date shall be carried back in accordance with section 172(b) in computing the taxable income of such corporation for a taxable year ending on or before that date, but may not be carried back or over in computing the taxable income of the acquiring corporation. This paragraph may be illustrated by the following examples:

Example (1). On December 31, 1954, X Corporation merged into Y Corporation in a statutory merger to which section 361 applies, and the charter of Y Corporation continued after the merger. Y Corporation sustained a net operating loss for the calendar year 1955. Y Corporation's net operating loss for 1955 may not be carried back in computing the taxable income of X Corporation but shall be carried back in computing the taxable income of Y Corporation.

Example (2). On December 31, 1954, X Corporation and Y Corporation transferred all their assets to Z Corporation in a statutory consolidation to which section 361 applies. Z Corporation sustained a net operating loss for the calendar year 1955. Z Corporation's net operating loss for 1955 may not be carried back in computing the taxable income of X Corporation or Y Corporation.

Example (3). On December 31, 1954, X Corporation ceased all operations (other than liquidating activities) and transferred substantially all its properties to Y Corporation in a reorganization qualifying under section 368(a) (1) (C). Such properties comprised all of X Corporation's properties which were to be transferred pursuant to the reorganization. In the process of liquidating its assets and winding up its affairs, X Corporation sustained a net operating loss for its taxable year beginning on January 1, 1955. This net operating loss of X Corporation shall be carried back in computing the taxable income of that corporation but may not be carried back or over in computing the taxable income of Y Corporation.

(c) First taxable year to which carry-overs apply. (1) The net operating loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer shall first be carried to the first taxable year of the acquiring corporation ending after that date. This rule applies irrespective of whether the date of distribution or transfer is on the last day, or any other day, of the acquiring corporation's taxable year. Thus, such net operating loss carryovers shall first

be used by the acquiring corporation with respect to the computation of its net operating loss deduction under section 172(a), and its taxable income determined under the provisions of section 172(b)(2), for such first taxable year. However, see paragraph (f) of this section.

(2) The net operating loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer shall be carried to the acquiring corporation without diminution by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation. Thus, if a parent corporation owning 80 percent of all classes of stock of its subsidiary corporation were to acquire its share of the assets of the subsidiary corporation upon a complete liquidation described in paragraph (b)(1)(i) § 1.381(a)-1, then, subject to the conditions and limitations of this section, 100 percent of the net operating loss carryovers available to the subsidiary corporation as of the close of the date of distribution would be carried over to the parent corporation.

(d) Limitation on net operating loss deduction for first taxable year ending after date of distribution or transfer. (1) That part of the acquiring corporation's net operating loss deduction, determined in accordance with sections 172(a) and 381(c)(1), for its first taxable year ending after the date of distribution or transfer which is attributable to the net operating loss carryovers of the distributor or transferor corporation, is limited by section 381(c)(1)(B) and this paragraph to an amount equal to the acquiring corporation's postacquisition part year taxable income. Such postacquisition part year taxable income is the amount which bears the same ratio to the acquiring corporation's taxable income for the first taxable year ending after the date of distribution or transfer (determined under section 63 without regard to any net operating loss deduction but taking into account other items to which the acquiring corporation succeeds under section 381) as the number of days in such first taxable year which follow the date of distribution or transfer bears to the total number of days in such taxable year Thus, if the date of distribution or transfer is the last day of the acquiring corporation's taxable year, the net operating loss carryovers of the distributor or transferor are allowed in full in computing under section 172(a) the net operating loss deduction of the acquiring corporation for its first taxable year ending after that date. In such instance, the number of days in the first taxable year which follow the date of distribution or transfer is the total number of days in such taxable year.

(2) The limitation provided by section 381(c)(1)(B) applies solely for the purpose of computing the net operating loss deduction of the acquiring corporation under section 172(a) for the acquiring corporation's first taxable year ending

after the date of distribution or transfer. The limitation does not apply for purposes of determining the portion of any net operating loss (whether of the distributor, transferor, or acquiring corporation) which may be carried to any taxable year of the acquiring corporation following its first taxable year ending after the date of distribution or transfer since such determination is made pursuant to section 172(b) and section 381 (c) (1) (C). See paragraphs (e) and (f) of this section.

(3) The limitation provided by section 381(c)(1)(B) shall be applied to the aggregate of the allowable net operating loss carryovers of the distributor or transferor corporation without reference to the taxable years in which the net operating losses were sustained by such corporation. If the acquiring corporation has acquired the assets of two or more distributor or transferor corporations on the same date of distribution or transfer, then the limitation provided by section 381(c)(1)(B) shall be applied to the aggregate of the net operating loss carryovers from all of such distributor or transferor corporations.

(4) If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more different dates of distribution or transfer within one taxable year of the acquiring corporation, the limitation to be applied under section 381(c)(1)(B) to the aggregate of such carryovers shall be governed by the rules prescribed in paragraph (b) of § 1.381(c)(1)-2.

(5) *Illustrations*. The application of this paragraph may be illustrated by the following examples:

Example (1). (i) X Corporation and Y Corporation were organized on January 1, 1956, and make their returns on the calendar year basis. On December 16, 1957, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and taxable income (computed without the net operating loss deduction) of the two corporations are as follows, the assumption being made that none of the modifications specified in section 172(b)(2)(A) apply to any taxable year:

Taxable year	ration ra	Y Corporation (acquirer)
1956	(\$35,000) (30,000) xxx	(\$5, 000) xxx 36, 500

(ii) The aggregate of the net operating loss carryovers of X Corporation carried under section 381(c) (1) (A) to Y Corporation's taxable year ending December 31, 1957, is \$65,000; but pursuant to section 381(c) (1) (B), only \$1,500 of such aggregate amount (\$36,500 × 1565) may be used in computing the net operating loss deduction of Y Corporation for such taxable year under section 172(a). This limitation applies even though Y Corporation's own net operating loss carryover to such year is only \$5,000, with the result that Y Corporation has taxable income under section 63 of \$30,000 for its taxable year ending December 31, 1957, that is, \$36,500 less the sum of \$5,000 and \$1,500.

(iii) For rules determining the portion of any given loss of X Corporation or Y Corporation which may be carried to a taxable year of Y Corporation following its taxable year ending December 31, 1957, see sections 172(b) (2) and 381(c) (1) (C) and paragraph (f) of this section.

Example (2). (i) X Corporation was organized on January 1, 1954, and Y Corporation was organized on January 1, 1956. Each corporation makes its return on the basis of the calendar year. On December 31, 1956, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income (computed without any net operating loss deduction) of the two corporations are as follows, the assumption being made that none of the modifications specified in section 172(b)(2)(A) apply to any taxable year:

Taxable year	X Corpo- ration (transferor)	Y Corpo- ration (acquirer)
1954	(\$5,000)	***
1955	(15,000)	***
1956	(10,000)	\$20,000
1957	xxx	40,000

(ii) The aggregate of the net operating loss carryovers of X Corporation carried under section 381(c) (1) (A) to Y Corporation's taxable year 1957 is \$30,000, and the full amount of such carryovers is allowed in such taxable year to Y Corporation as a deduction under section 172(a), since such amount does not exceed the limitation (\$40,000 \times $^{365}_{505}$ for such taxable year under section 381(c) (1) (B).

Example (3). (1) X Corporation, Y Corporation, and Z Corporation were organized on January 1, 1954, and each corporation makes its return on the basis of the calendar year. On September 30, 1956, X Corporation and Y Corporation transferred all their assets to Z Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income (computed without any net operating loss deduction) of the three corporations are as follows, the assumption being made that none of the modifications specified in section 172(b) (2) (A) apply to any taxable year:

Taxable year	X Corporation (transferor)	Y Corporation (transferor)	Z Corporation (acquirer)
1954	(\$5,000)	(\$3,000)	(\$40, 000)
1955	(4,000)	(2,000)	10, 000
Ending 9-30-56	(1,000)	(9,000)	xxx
1956	xxx	xxx	73, 200

(ii) The aggregate of the net operating loss carryovers of X Corporation and Y Corporation carried under section 381(c)(1)(A) to Z Corporation's taxable year \$24,000; but, pursuant to section 381(c)(1)(B), only \$18,400 of such aggregate amount $(\$73,200 \times 9\%66)$ may be used in computing the net operating loss deduction of Z Corporation for such taxable year under section 172(a). For this purpose, Z Corporation may not use the total of the aggregate carryovers (\$10,000) from X Corporation plus the aggregate carryovers (\$14,000) from Y Corporation, even though each such aggregate of carryovers is separately less than the limitation (\$18,400) applicable under section 381 (c) (1) (B) and this section.

(iii) For rules determining the portion of any given loss of X Corporation, Y Corporation, or Z Corporation which may be carried to a taxable year of Z Corporation following

its taxable year ending December 31, 1956, see sections 172(b)(2) and 381(c)(1)(C) and paragraph (f) of this section.

(e) Computation of carryovers and carrybacks; general rule—(1) Sequence for applying losses and computation of taxable income. The portion of any net operating loss which is carried back or carried over to any taxable year is the excess, if any, of the amount of the loss over the sum of the taxable income for each of the prior taxable years to which the loss may be carried under sections 172(b)(1) and 381. In determining the taxable income for each such prior taxable year for this purpose, the various net operating loss carryovers and carrybacks to such prior taxable year are considered to be applied in reduction of the taxable income in the order of the taxable years in which the net operating losses are sustained, beginning with the loss for the earliest taxable year. The application of this rule to the taxable income of the acquiring corporation for any taxable year ending after the date of distribution or transfer involves the use of carryovers of the distributor or transfer corporation, and of carryovers and carrybacks of the acquiring corporation. In such instance, the sequence for the use of loss years remains the same, and the requirement is to begin with the net operating loss of the earliest taxable year, whether or not it is a loss of the distributor, transferor, or acquiring corporation. The taxable income of the acquiring corporation for any taxable year ending after the date of distribution or transfer shall be determined in the manner prescribed by section 172 (b) (2), except that, if the date of distribution or transfer is on a day other than the last day of a taxable year of the acquiring corporation, the taxable income of such corporation for the taxable year which includes such date shall be computed in the special manner prescribed by section 381(c)(1)(C) and paragraph (f) of this section.

(2) Loss year of transferor or distributor considered prior-taxable year. Section 381(c)(1)(C) provides that, for the purpose of determining the net operating loss carryovers under section 172 (b)(2), a net operating loss for a loss year of a distributor or transferor corporation which ends on or before the last day of a loss year of the acquiring corporation shall be considered to be a net operating loss for a year prior to such loss year of the acquiring corporation. In a case where the acquiring corporation has acquired the assets of two or more distributor or transferor corporations on the same date of distribution or transfer, the loss years of the distributor or transferor corporations shall be taken into account in the order in which such loss years terminate; if any one of the loss years of a distributor or transferor corporation ends on the same day as the loss year of another distributor or transferor corporation, either loss year may be taken into account before the other.

putation of the net operating loss carryovers from the distributor or transferor corporation and from the acquiring corporation in a case where the date of distribution or transfer occurs on the last day of a taxable year of the acquiring corporation may be illustrated by the following example:

Example. X Corporation and Y Corporation were organized on January 1, 1955, and each corporation makes its return on the

(3) Years to which losses may be carried.The taxable years to which a net operating loss shall be carried back or carried over are prescribed by section 172(b)(1). Since the taxable year of the distributor or transferor corporation ends with the close of the date of distribution or transfer, such taxable year and the first taxable year of the acquiring corporation which ends after that date shall be considered two separate taxable years to which a net operating loss of the distributor or transferor corporation for any taxable year ending before that date may be carried over. This rule applies even though the taxable year of the distributor or transferor corporation which ends on the date of distribution or transfer is a period of less than twelve months. However, for the purpose of determining under section 172(b) (1) the taxable years to which a net operating loss of the acquiring corporation is carried over or carried back, the first taxable year of the acquiring corporation which ends after the date of distribution or transfer shall be treated as only one taxable year even though such taxable year is considered under section 381(c)(1)(C) and paragraph (f)(2) of this section as two taxable years. The application of this subparagraph may be illustrated by the following example:

Example. X Corporation was organized on January 1, 1954, and thereafter it sustained net operating losses in its calendar years 1954, 1955, and 1956. On June 30, 1957, X Corporation transferred all its assets to Y Corporation, which was organized on January 1, 1955, in a statutory merger to which section 361 applies. In its taxable year ending June 30, 1957, X Corporation sustained a net operating loss. Y Corporation sustained net operating losses in its calendar years 1955, 1956, and 1958, but had taxable income for the year 1957. The years to which these losses of X Corporation and Y Corporation shall be carried, and the sequence in which carried, are as follows:

Loss year X 1954____ X 1955, X 1956, X 6/30/57, Y 1957, Y 1958.

X 1955____ X 1954, X 1956, X 6/30/57, Y 1957, Y 1958, Y 1959. Y 1955.... Y 1956, Y 1957, Y 1958, Y 1959,

Y 1960.

X 1956____ X 1954, X 1955, X 6/30/57, Y 1957, Y 1958, Y 1959, Y 1960. Y 1956____ Y 1955, Y 1957, Y 1958, Y 1959,

Y 1960, Y 1961. X 6-30-57. X 1955, X 1956, Y 1957, Y 1958,

(4) Computation of carryovers in a

case where the date of distribution or transfer occurs on last day of acquiring

corporation's taxable year.

Y 1959, Y 1960, Y 1961. Y 1958.... Y 1955, Y 1956, Y 1957, Y 1959, Y 1960, Y 1961, Y 1962, Y 1963.

The com-

basis of the calendar year. On December 31, 1956, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income (computed without any net operating loss deduction) of the two corporations are as follows, the assumption being made that none of the modifications specified in section 172(b)(2) (A) apply to any taxable year:

Taxable year	X Corporation (transferor)	Y Corporation (acquirer)
1955.	(\$2,000)	(\$11,000)
1956.	(3,000)	10,000
1957.	xxx	(15,000)

The sequence in which the losses of X Corporation and Y Corporation are applied, and the computation of the carryovers to Y Corporation's calendar year 1958, may be illustrated as follows:

(i) X Corporation's 1955 loss. The carryover to 1958 is \$2,000, computed as follows:

Net operating loss_____ \$2,000 X's 1956 taxable income_____ \$0 Y's 1957 taxable income____ 0 Carryover_____ 2,000

(ii) Y Corporation's 1955 loss. The carryover to 1958 is \$1,000, computed as follows: Net operating loss_____ \$11,000

Less: Y's 1956 taxable income__ \$10,000 Y's 1957 taxable income__

10,000 Carryover____

(iii) X Corporation's 1956 loss. The carryover to 1958 is \$3,000, computed as follows: Net operating loss_____ \$3,000

X's 1955 taxable income_____ \$0 Y's 1957 taxable income_____0

Less:

Carryover____ (iv) Y Corporation's 1957 loss. The carryover to 1958 is \$15,000, computed as follows:

Net operating loss_____ \$15,000 Less:

Y's 1955 taxable income_____ \$0 Y's 1956 taxable income before net operating loss deduction____ \$10,000 Minus Y's 1956 net operating loss deduction (i.e., Y's 1955 carryover) ___ 11,000

O 0 Carryover_____ 15,000

(v) Summary of carryovers to 1958. The aggregate of the net operating loss carryovers to 1958 is \$21,000, computed as follows:

X's 1955 loss_____ \$ 2,000 Y's 1955 loss.... 1,000 X's 1956 loss_____ 3.000 Y's 1957 loss_____ 15,000

(f) Computation of carryovers and carrybacks when date of distribution or

transfer is not on last day of acquiring corporation's taxable year—(1) General rule. Pursuant to the provisions of section 381(c)(1)(C), the taxable income of the acquiring corporation for its taxable year which is a prior taxable year for purposes of section 172(b)(2) and paragraph (e) of this section shall be determined in the manner prescribed in this paragraph, if the date of distribution or transfer occurs within, but not on the last day of, such taxable year.

- (2) Taxable year considered as two taxable years. Such taxable year of the acquiring corporation shall be considered as though it were two taxable years, but only for the limited purpose of applying section 172(b) (2). The first of such two taxable years shall be referred to in this section as the preacquisition part year; the second, as the postacquisition part year. For purposes of section 172(b) (2), a net operating loss of the acquiring corporation shall be carried to the preacquisition part year and then to the postacquisition part year, whereas a net operating loss of a distributor or transferor corporation shall be carried to the postacquisition part year and then to the acquiring corporation's subsequent taxable years. In determining under section 172(b)(2) and this paragraph the portion of any net operating loss of a distributor or transferor corporation which is carried to any taxable year of the acquiring corporation ending after the postacquisition part year, the taxable income (as determined under this paragraph) of the postacquisition part year shall be taken into account but the taxable income of the preacquisition part year (as so determined) shall not be taken into account. Though considered as two separate taxable years for purposes of section 172(b)(2), the preacquisition part year and the postacquisition part year are treated as one taxable year in determining the years to which a net operating loss is carried under section 172(b)(1). See paragraph (e)(3) of this section.
- (3) Preacquisition part year. The preacquisition part year shall begin with the beginning of such taxable year of the acquiring corporation and shall end with the close of the date of distribution or transfer.
- (4) Postacquisition part year. The postacquisition part year shall begin with the day following the date of distribution or transfer and shall end with the close of such taxable year of the acquiring corporation.
- (5) Division of taxable income. The taxable income for such taxable year (computed with the modifications specified in section 172(b) (2) (A) but without any net operating loss deduction) of the acquiring corporation shall be divided between the preacquisition part year and the postacquisition part year in proportion to the number of days in each. Thus, if in a statutory merger to which section 361 applies Y Corporation acquires the assets of X Corporation on June 30, 1960, and Y Corporation has taxable income (computed in the manner so prescribed) of \$36,600 for its calendar

year 1960, then the preacquisition part year taxable income would be \$18,200 (\$36,600 \times ¹⁸%₆₆) and the postacquisition part year taxable income would be \$18,400 (\$36,600 \times ¹⁸%₆₆).

(6) Net operating loss deduction. After obtaining the taxable income of the preacquisition part year and of the postacquisition part year in the manner described in subparagraph (5) of this paragraph, it is necessary to compute the net operating loss deduction for each such part year. This deduction shall be determined in the manner prescribed by section 172(b)(2)(B) but subject to the provisions of this subparagraph. The net operating loss deduction for the preacquisition part year shall, for purposes of section 172(b)(2) only, be determined in the same manner as that prescribed by section 172(b)(2)(B) but shall be computed without taking into account any net operating loss of the distributor or transferor corporation. Therefore, only net operating loss carryovers and carrybacks of the acquiring corporation to the preacquisition part year shall be taken into account in computing the net operating loss deduction for such part year. The net operating loss deduction for the postacquisition part year shall, for purposes of section 172(b)(2) only, be determined in the same manner as that prescribed by section 172(b) (2) (B) and shall be computed by taking into account all the net operating loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer, as well as the net operating loss carryovers and carrybacks of the acquiring corporation to the postacquisition part year. The sequence in which the net operating losses of the two corporations shall be applied for purposes of this subparagraph shall be determined in the manner prescribed in paragraph (e) of this section.

- (7) Limitation on taxable income. In no case shall the taxable income of the preacquisition part year or the postacquisition part year, as computed under this paragraph, be considered to be less than zero.
- (8) Cross reference. If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer during the same taxable year of the acquiring corporation, the determination of the taxable income of the acquiring corporation for such year pursuant to section 381(c)(1)(C) shall be governed by the rules prescribed in paragraph (c) of § 1.381(c)(1)-2.
- (9) *Illustration*. The application of this paragraph may be illustrated by the following example:

Example—(i) Facts. X Corporation was organized on January 1, 1955, and Y Corporation was organized on January 1, 1954. Each corporation makes its return on the basis of the calendar year. On June 30, 1956, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income (computed without

any net operating loss deduction) of the two corporations are as follows, the assumption being made that none of the modifications specified in section 172(b)(2)(A) apply to any taxable year:

Taxable year X Corporation (transferor)	1
i	Y Corporation (acquirer)
1954	(\$5, 000) (20, 000) xxx 36, 600
(ii) Y Corporation's 1954 loss. over to 1957 is \$0, computed as for	
Net operating loss	\$5,000
Less: Y's 1955 taxable income	0
Carryover to Y's preacquisit part year	
Less: Y's preacquisition part year taxable income computed under subpar- agraph (5) of this para- graph (\$36,600 \times 18\%66)	200 xxx
	<u>18, 200</u>
Carryover to Y's post- acquisition part year and also to Y 1957	0
(iii) X Corporation's 1955 loss. over to 1957 is \$45,600, computed	
Net operating lossLess:	
X's €/30/56 year taxable income	1,000
Carryover to Y's postacqui tion part year	
Y's postacquisition part year taxable income computed under subparagraph (5) of this paragraph (\$36,600 × 1843,66)	0
	10. 4UU
Carryover to Y 1957	18, 400
(iv) Y Corporation's 1955 loss.	45, 600 The carry-
(iv) Y Corporation's 1955 loss. over to 1957 is \$6,800, computed Net operating loss	45,600 The carry- as follows:
(iv) Y Corporation's 1955 loss. over to 1957 is \$6,800, computed	45, 600 The carry- as follows:
(iv) Y Corporation's 1955 loss. over to 1957 is \$6,800, computed Net operating loss Less: Y's 1954 taxable income Carryover to Y's preacqui tion part year	45,600 The carryas follows: \$20,000 0
(iv) Y Corporation's 1955 loss. over to 1957 is \$6,800, computed Net operating loss Less: Y's 1954 taxable income Carryover to Y's preacqui	45, 600 The carry- as follows:

\$0

25, 000

2,422

Minus X's net operating loss deduction for 8/31/57-year (i.e., X's 1954 carryover of \$7,-000 and X's 1955 carryover of \$10,000) _\$17,000

Y's postacquisition part

graph (f)(5) of this section Minus Y's net operating

loss deduction for postacquisition part year (i.e., X's 1954 carryover of \$6,000, X's 1955 carryover of \$10,000 and Y's 1955 carryover of \$0. to such part year) ____ 16,000

year taxable income computed under para-

Less:

Less:

Carryover to Y's postacquisition part year____

Carryover to Y 1958_____

Y's 1958 taxable income_____

--- \$18, 422

Wednesday, July 13, 1960
Less:
Y's postacquisition part
year taxable income
computed under sub-
paragraph (5) of this
paragraph \$18,400
Minus Y's net operating
loss deduction for post-
acquisition part year
(i.e., Y's 1954 carryover
of \$0, and X's 1955
carryover of \$64,000, to
such part year) 64,000

Carryover to Y 1957 6, 800
(v) Summary of carryovers to 1957. The aggregate of the net operating loss carryovers
to 1957 is \$52,400, determined as follows:
Y's 1954 loss
X's 1955 loss 45,600
X's 1955 loss 45, 600 Y's 1955 loss 6, 800
X's 1955 loss 45,600
X's 1955 loss 45, 600 Y's 1955 loss 6, 800
X's 1955 loss 45, 600 Y's 1955 loss 6, 800 Total 52, 400 (g) Successive acquiring corporations.
X's 1955 loss 45, 600 Y's 1955 loss 6, 800 Total 52, 400
X's 1955 loss 45, 600 Y's 1955 loss 6, 800 Total 52, 400 (g) Successive acquiring corporations. An acquiring corporation which, in a distribution or transfer to which section
X's 1955 loss 45, 600 Y's 1955 loss 6,800 Total 52,400 (g) Successive acquiring corporations. An acquiring corporation which, in a

which previously acquired the assets of another corporation in a transaction to which section 381(a) applies, shall succeed to and take into account, subject to the conditions and limitations of sections 172 and 381, the net operating loss carryovers available to the first acquiring corporation under sections 172 and 381.

(h) Illustration. The application of this section may be further illustrated by the following example:

Example-(1) Facts. X Corporation was organized on January 1, 1954, and Y Corporation was organized on January 1, 1955. Each corporation makes its return on the basis of the calendar year. On August 31, 1957, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income of the two corporations for the taxable years involved are set forth in the tabulation below. The taxable income so shown is computed without the modifications required by section 172(b) (2) (A) and without the benefit of any net operating loss deduction. In its calendar year 1957, Y Corporation had a deduction of \$365 which is disallowed by section 172 (b) (2) (A).

Taxable year	X Corporation (transferor)	Y Corporation (acquirer)
1954	(\$7,000)	xxx
1955	(10,000)	(\$10, 000)
1956	(25,000)	(15, 000)
1956	1,000	xxx
Ending 8-31-57	xxx	54, 750
1957	xxx	(5, 000)
1958	xxx	50, 000

(2) Computation of carryovers and carrybacks. The sequence in which the losses of X Corporation and Y Corporation are applied and the computation of the carryovers to Y Corporation's calendar year 1959 may be illustrated as follows:

(i) X Corporation's 1954 loss. The carryover to 1958, which is the last year to which this loss may be carried, is \$0, computed as

Net operating loss	- 87, 000
Less:	. ,,,,,,,,
X's 1955 taxable income \$6)
X's 1956 taxable income)
· .	- 0

Carryover to X's 8/31/57-year. 7,000

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Less: X's 8/31/57-year taxable income \$1,000
Carryover to Y's postacquisition part year6,000
Y's postacquisition part year taxable income computed under para- graph (f) (5) of this sec- tion ((\$54,750+\$365) × 122/365)
acquisition part year xxx 18,422
Carryover to Y 19580
(ii) X Corporation's 1955 loss. The carry- over to 1959 is \$0, computed as follows:
Net operating loss \$10,000
Less: X's 1954 taxable income \$0 X's 1956 taxable income 0
Carryover to X's 8/31/57-year 10,000
Less: X's 8/31/57-year taxable income before net oper- ating loss deduction \$1,000 Minus X's net operating loss deduction for 8/31/ 57-year (1.e., X's 1954
carryover) 7,000
Carryover to Y's postacquisition part year 10,000
Y's postacquisition part year taxable income computed under para- graph (f)(5) of this section
(i.e., X's 1954 carryover to such part year) 6,000
Carryover to Y 1958 and Y 1959 0
(iii) Y Corporation's 1955 loss. The carry- over to 1959 is \$0, computed as follows:
Net operating loss \$10,000 Less: Y's 1956 taxable income 0
Carryover to Y's preacquisi- tion part year
Less: Y's preacquisition part year taxable income computed under para- graph (f)(5) of this section ((\$54,750+ \$365) \times 24\%65) \$36,693 Minus Y's net operating loss deduction for pre-

Carryover to Y's postacquisi-

X's 1954 taxable income_____ \$0

X's 1955 taxable income_____0

tion _____ \$1,000

X's 8/31/57-year taxable

income before net operating loss deduc-

Less:

tion part year, to Y 1958, and to Y 1959_____

Carryover to Y 1959_____ 22, 578 (v) Y Corporation's 1956 loss. The carryover to 1959 is \$0, computed as follows: Net operating loss_____ \$15,000 Y's 1955 taxable income____ n Carryover to Y's preacquisition part year_____ 15,000 Less: Y's preacquisition part year taxable income computed under paragraph (f)(5) of this section _____ \$36,693 Minus Y's net operating loss deduction for preacquisition part year (i.e., Y's 1955 carryover to such part year) ____ 10,000 26, 693 Carryover to Y's postacquisition part year, to Y .1958, and to Y 1959_____ (vi) Y Corporation's 1958 loss. The carryover to 1959 is \$0, computed as follows: Net operating loss_____ \$5,000 Y's 1955 taxable income 1_____ \$0 Y's 1956 taxable income_____ 0 0 Carryback to Y's preacquisition part year_____ 5,000 Less: preacquisition part year taxable income computed under paragraph - 36, 69**3** (f) (5) of this section___ \$36,693 Minus Y's net operating loss deduction for preacquisition part year (i.e., Y's 1955 carryover of (iv) X Corporation's 1956 loss. The carry-\$10,000, and Y's 1956 over to 1959 is \$22,578, computed as follows: carryover of \$15,000, to Net operating loss_____ \$25,000 such part year) _____ 25,000 - 11, 693 Carryback to Y's postacquisition part year and carryover to Y 1959____ ¹ Three-year carryback in case of loss years ending after December 31, 1957.

(vii) Summary of carryovers to 1959. The aggregate of the net operating loss carryovers to 1959 is \$22,578, computed as follows:

\$ 0	loss	1955	X's
0	loss	1955	Y's
22, 578	loss	1956	X's
0	loss	1956	Y's
. 0	loss	1958	Y's
:	_		

(3) Net operating loss deduction for 1957. (i) The net operating loss deduction avail-

able to Y Corporation under section 172(a) for the calendar year 1957, determined in accordance with paragraph (d) of this section, is \$48,300, computed as follows:

Aggregate of the net operating loss carryovers available to the transferor corporation as of the close of August 31, 1957, but limited by paragraph (d) of this section to \$18,300 (Y's 1957 taxable income of \$54,750, computed without any net operating loss deduction, multiplied by 123365)

Carryover of X's 1954 loss_ \$6,000 Carryover of X's 1955 loss_ 10,000 Carryover of X's 1956 loss. 25,000

Aggregate of carryovers, _____ \$18,300 limited as above_ Carryover of Y's 1955 loss_____ 10,000 Carryover of Y's 1956 loss_____ 15, COO Carryback of Y's 1958 loss_____ 5,000

Net operating loss deduction.

(ii) The taxable income under section 63 for 1957 is \$6,450, computed as follows:

Taxable income determined without any net operating loss deduction_ \$54,750

Net operating loss deduction for 1957, as determined under subdivision (i) of this subparagraph.... 48, 300

> Taxable income under section 63_____

(4) Net operating loss deduction for 1959. taxable income under section 63 for 1959 is \$27,422, computed as follows:

Taxable income determined without any net operating loss deduction_ \$50,000

Net operating loss deduction for 1959 (i.e., the aggregate carry-overs determined under subparagraph (2) (vii) of this paragraph) _____ 22,578

Taxable income under section 63_____

(5) Years to which losses may be carried. The taxable years to which the losses of X Corporation and Y Corporation may be carried, and the sequence in which carried, are as follows:

	Loss year	Carried to
x	1954	X 1955, X 1956, X 8/31/57, Y 1957, Y 1958.
X	1955	X 1954, X 1956, X 8/31/57, Y 1957, Y 1958, Y 1959.
Y	1955	Y 1956, Y 1957, Y 1958, Y 1959, Y 1960.
x	1956	X 1954, X 1955, X 8/31/57, Y 1957, Y 1958, Y 1959, Y 1960.
Y	1956	Y 1955, Y 1957, Y 1958, Y 1959, Y 1960, Y 1961.
Y	1958	Y 1955, Y 1956, Y 1957, Y 1959,

§ 1.381(c)(1)-2 Net operating loss carryovers; two or more dates of distribution or transfer in the taxable year.

(a) In general. If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer within one taxable year of the acquiring corporation, the limitation to be applied under section 381(c)(1)(B) to the aggregate of the net operating loss carryovers to that taxable year from all of the distributor or transferor corporations shall be determined by applying the rules prescribed in paragraph (b) of this section, and the taxable income of the acquiring corporation for that taxable year under sections 381(c)(1)(C) and 172(b)(2) shall be determined by applying the rules prescribed in paragraph (c) of this section. For purposes of this section, the term "postacquisition income" means postacquisition part year taxable income determined under paragraph (d) (1) of $\S 1.381(c)(1)-1$ by treating the first date of distribution or transfer as though it were the only date of distribution or transfer during the taxable year of the acquiring corporation.

(b) Determination of limitation under section 381(c)(1)(B)—(1) In general. If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer during the same taxable year of the acquiring corporation, and if the amount of the net operating loss carryovers acquired on the first date of distribution or transfer equals or exceeds the postacquisition income, then the limitation under section 381(c)(1)(B) shall be an amount equal to such postacquisition income. If the amount of the net operating loss carryovers acquired on the first date of distribution or transfer is less than such postacquisition income. then the limitation under section 381(c) (1) (B) shall be determined as provided in subparagraphs (2) through (5) of this paragraph.

(2) Allocation of postacquisition incomeamong partial postacquisition That part of the taxable year years. of the acquiring corporation beginning on the day following the first date of distribution or transfer and ending with the close of the taxable year of the acquiring corporation shall be divided into the same number of partial postacquisition years as the number of dates of distribution or transfer on which the acquiring corporation succeeds to net operating loss carryovers during its taxable year. The first partial postacquisition year shall begin with the day following the first date of distribution or transfer and shall end with the close of the second date of distribution or transfer. The second and succeeding partial postacquisition years shall begin with the day following the close of the preceding such partial year and shall end with the close of the succeeding Y 1960, Y 1961, Y 1962, Y 1963. date of distribution or transfer, or, if

there is no such succeeding date, then with the close of the taxable year of the acquiring corporation. The postacquisition income of the acquiring corporation shall be allocated among the partial postacquisition years in proportion to the number of days in each such partial year.

(3) Two dates of distribution or transfer. If the acquiring corporation succeeds to the net operating loss carryovers of two distributor or transferor corporations on two dates of distribution or transfer during the same taxable year of the acquiring corporation, and if the amount of the net operating loss carryovers acquired on the first date equals or exceeds the income for the first partial postacquisition year, the limitation provided by section 381(c)(1)(B) shall be the amount of the postacquisition income. If the income for the first partial postacquisition year exceeds the net operating loss carryovers acquired on the first date of distribution or transfer, the limitation provided by section 381(c)(1)(B) shall be the amount of the postacquisition income reduced by the amount of such excess. The application of this subparagraph may be illustrated by the following example:

Example. (i) X Corporation has taxable income (computed without any net operating loss deduction) of \$36,500 for its calendar year 1955. During 1955, X Corporation acquires the assets of Y and Z Corporations in statutory mergers to each of which section 361 applies, the dates of transfer being January 1 and December 1, respectively. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corpora-	Carry-	Income for partial years	Reduc-
tion	overs		tion
Y	\$1,000	\$33,400 (\$36,500 × 334/365)	\$32, 400
	50,000	3,000 (\$36,500 × 30/365)	0
-	51, 000	36, 400	32, 400

(ii) The limitation provided by section 381(c)(1)(B) equals the postacquisition income of \$36,400 reduced by \$32,400, the excess of the income for the first partial year (\$33,400) over the net operating loss carryovers acquired on the first date of transfer (\$1,000). Accordingly, the limitation is \$4,000 (\$36,400 minus \$32,400). Therefore, although X Corporation acquired carryovers aggregating \$51,000 during 1955, it can utilize only \$4,000 of such carryovers in computing its net operating loss deduction for 1955.

(4) Three dates of distribution or transfer. If the acquiring corporation succeeds to the net operating loss carryovers of three distributor or transferor corporations on three dates of distribution or transfer during the same taxable year of the acquiring corporation, and if the amount of the net operating loss carryovers acquired on the first date equals or exceeds the income for the first and second partial postacquisition years. the limitation provided by section 381 (c) (1) (B) shall be the amount of the postacquisition income. If the amount of the carryovers acquired on the first date equals or exceeds the income for the first partial postacquisition year but does not equal or exceed the income for the first and second partial postacquisition

years, the limitation shall be the amount of the postacquisition income reduced by the excess of the income for the first and second partial postacquisition years over the amount of carryovers acquired on the first and second dates of distribution or transfer. If the income for the first partial postacquisition year exceeds the carryovers acquired on the first date, the limitation shall be the postacquisition income reduced by the sum of the amount of such excess plus the amount, if any, by which the income for the second partial postacquisition year exceeds the carryovers acquired on the second date. This subparagraph may be illustrated by the following examples:

Example (1). (i) X Corporation has taxable income (computed without any net operating loss deduction) of \$36,500 for its calendar year 1955. During 1955, X Corporation acquires the assets of M, N, and Z Corporations in statutory mergers to each of which section 361 applies, the dates of transfer being January 1, January 31, and December 1, respectively. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corpora- tion	Carry- overs	Income for partial years		Reduc- tion
M N Z	\$4,000 6,000 50,000	\$3,000 30,400 3,000	(\$36, 500× 30/365) (\$36, 500×304/365) (\$36, 500× 30/365)	}\$23, 400 0
	60,000	36, 400		23, 400

(ii) Since the carryovers of \$4,000 acquired on the first date of transfer exceed the income for the first partial year (\$3,000), the limitation provided by section 381(c) (1) (B) is the amount of the postacquisition income (\$36,400) reduced by the excess of the income for the first and second partial years (\$33,400) over the carryovers acquired on the first and second dates of transfer (\$10,000). Therefore, the limitation is \$13,000 (\$36,400 less \$23,400).

Example (2). (i) Assume the same facts as in example (1) except that the amount of the net operating loss carryovers acquired from M Corporation is \$1,000. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corpo-	Carry-	Income for partial years	Reduc-
ration	overs		tion
M	\$1,000	\$3,000 (\$36,500×30/365)	\$2,000
N	6,000	30,400 (\$36,500×30/365)	24,400
Z	50,000	3,000 (\$36,500×30/365)	0
	57, 000	36, 400	26, 400

(ii) Since the income for the first partial year (\$3,000) exceeds the \$1,000 of carryovers acquired on the first date by \$2,000, the limitation provided by section 381(c)(1)(B) is the postacquisition income of \$36,400 reduced by such excess and also reduced by the excess of the income for the second partial year (\$30.400) over the carryovers acquired on the second date of transfer (\$6,000). Therefore, the limitation is \$10,000 (\$36,400 less the sum of \$2,000 and \$24,400).

Example (3). (i) Assume the same facts as in example (2) except that the carryovers acquired from N Corporation are \$75,000. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corpo-	Carry-	Income for partial years	Reduc-
ration	overs		tion
M	\$1,000	\$3,000 (\$36,500× 30/365)	\$2,000
N	75,000	30,400 (\$36,500×304/365)	0
Z	50,000	3,000 (\$36,500× 30/365)	0
	126, 000	36, 400	2, 000

(ii) Since the income for the first partial year (\$3,000) exceeds the \$1,000 of carryovers acquired on the first date by \$2,000, the limitation provided by section 381(c)(1)(B) is the postacquisition income of \$36,400 reduced by \$2,000, or \$34,400. No further reduction is made since the income for the second partial year (\$30,400) does not exceed the carryovers of \$75,000 acquired on the second date of transfer.

(5) Four or more dates of distribution or transfer. If the acquiring corporation succeeds to the net operating loss carry-overs of four or more distributor or transferor corporations on four or more dates of distribution or transfer during the same taxable year of the acquiring corporation, the limitation provided by section 381(c) (1) (B) shall be determined consistently with the methods prescribed in subparagraphs (3) and (4) of this paragraph may be illustrated by the following example:

Example. (1) X Corporation has taxable income (computed without any net operating loss deduction) of \$36,500 for its calendar year 1955. During 1955, X Corporation acquired the assets of M, N, O, Y, and Z Corporations in statutory mergers to each of which section 361 applied, the dates of transfer being, respectively, January 1, January 31, March 3, April 2, and December 1. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corpo-	Carry-	Income for partial years	Reduc-
ration	overs		tion
M N O Y Z	\$1,000 4,000 1,000 10,000 20,000 36,000	\$3,000 (\$36,500× 30/365) 3,100 (\$36,500× 31/365) 3,000 (\$36,500× 30/365) 24,300 (\$36,500× 30/365) 3,000 (\$36,500× 30/365) 36,400	\$2,000 1,100 14,300 0 17,400

(ii) The limitation provided by section 381(c)(1)(B) equals the postacquisition income of \$36,400 reduced by the sum of (a) the \$2,000 excess of the income for the first partial year (\$3,000) over the carryovers acquired from M Corporation (\$1,000), (b) the \$1,100 excess of the income for the second and third partial years (\$6,100) over the carryovers acquired from N and O Corporations (\$5,000), and (c) the \$14,300 excess of the income for the fourth partial year (\$24,300) over the carryovers acquired from Y Corporation (\$10,000). Accordingly, the limitation is \$19,000 (\$36,400 minus \$17,400). Therefore, although X Corporation acquired carryovers aggregating \$36,000 during 1955, it can utilize only \$19,000 of such carryovers in computing its net operating loss deduction for 1955

(c) Determination of taxable income of acquiring corporation under section 381(c)(1)(C)—(1) In general. If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer within one taxable year

of the acquiring corporation, then pursuant to section 381(c)(1)(C) the taxable income of the acquiring corporation for its taxable year which is a prior taxable year for purposes of section 172(b)(2) and paragraph (e) of §1.381(c)(1)-1 shall be determined as provided in this paragraph.

(2) Division of taxable income. The taxable income of the acquiring corporation (computed with the modifications specified in section 172(b)(2)(A) but without any net operating loss deduction) shall be allocated proportionately on a daily basis among a preacquisition part year (determined under paragraph (f) (3) of $\S 1.381(c)(1)-1$ by treating the first date of distribution or transfer as though it were the only date of distribution or transfer during the taxable year of the acquiring corporation) and two or more partial postacquisition years (determined as provided in paragraph (b) (2) of this section). The preacquisition part year and each partial postacquisition year shall be considered a separate taxable year, but only for the limited purpose of applying sections 172(b) (2) and 381(c) (1) (C).

(3) Net operating loss deduction. The net operating loss deduction of the preacquisition part year and the partial postacquisition years shall be determined consistently with the manner described in paragraph (f) (6) of § 1.381(c) (1)-1 but by taking into account, in the case of any partial postacquisition year, only the net operating loss carryovers and carrybacks of the acquiring corporation and those net operating loss carryovers from a distributor or transferor corporation which become available to the acquiring corporation as of the close of those dates of distribution or transfer which occur before the beginning of that specific partial postacquisition year. The sequence in which the net operating losses of the distributor or transferor and acquiring corporations shall be applied for this purpose shall be determined in the manner described in paragraph (e) of § 1.381(c)(1)-1. Subject to the preceding sentence, the net operating loss carryovers to any specific partial postacquisition year, whether from a distributor, transferor, or acquiring corporation, shall be taken into account in the order of the taxable years in which the net operating losses arose, beginning with the loss for the earliest taxable year.

(4) Illustration. The application of this paragraph may be illustrated by the following example:

Example-(i) Facts. X Corporation, which was organized on January 1, 1957, sustained a net operating loss of \$20,000 for its calendar year 1957 and had taxable income (computed without any net operating loss deduction) of \$36,500 for its calendar year 1958. During 1958, X Corporation acquired the assets of Y and Z Corporations in statutory mergers to each of which section 361 applied, the dates of transfer being June 30 and September 30, respectively. None of the modifications specified in section 172(b)(2)(A) apply to any of the corporations for any taxable year. The taxable income (computed without any net operating loss deduction) and net operating losses of Y and Z Corporations (which were organized on January 1,

1957, and January 1, 1954, respectively) are I set forth below:

Taxable year	Acquiring corporation X	Transfero: corpora- tion Y	Transferor corpora- tion Z
1954 1955 1956 1957 Ending 6-30-58 Ending 9-30-58	**** **** (\$20, 000) *** *** *** *** *** *** ***	*XX: *XX: *XX: (\$25,000) 1,000 *XX: XX::	(\$30,000) 1,000 1,000 1,000 xxx 1,000 xxx

The sequence in which the losses of the acquiring corporation and the transferor corporations are applied and the computation of the carryovers to X Corporation's calendar year 1959 are illustrated in the following subdivisions of this example.

(ii) Computation of taxable income. X Corporation's taxable income, determined in the manner described in subparagraph (2) of this paragraph, for the preacquisition part year and for the partial postacquisition years is as follows:

Year	Taxable income	Computation
Preacquisition part ear_	\$18, 100	\$36, 500×181/365
Partial No. 1	9, 200	36, 500× 92/365
Partial No. 2	9, 200	36, 500× 92/365

(iii) Z Corporation's 1954 loss. The carryover to 1959 is \$0, computed as follows:

Net operating loss	\$30,000
Less:	
7's 1055 1056 1057 and 0/30/58-	

year income	4,000
	
Net operating loss carryover to Par-	
tial No 2 year	26,000

16,800
The balance of \$16,800 is not carried over to 1959 since X Corporation's taxable year 1958

is the last of the five years to which Z's 1954 loss may be carried under section 172(b)(1). (iv) Y Corporation's 1957 loss. The carry-over to 1959 is \$14,800, computed as follows:

Net operating lossLess:	\$25,000
Y's 6/30/58-year income	1,000
Net operating loss carryover to Partial No. 1 yearLess:	24, 000
Partial No. 1 year taxable in-	

Carryover to 1959_______14,800
(v) X Corporation's 1957 loss. The carry-

Net operating lossLess:	\$20,000
X's preacquisition part year tax-	19 100

over to 1959 is \$1,900, computed as follows:

ible	income					18, 100
					_	
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[F.R. Doc. 60-6452; Filed, July 12, 1960; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER N-TRANSPORTATION

PART 208—TRANSPORTATION OF HOUSEHOLD GOODS OF MILITARY AND CIVILIAN PERSONNEL

The Secretary of Defense issued the following on July 1, 1960. This Part 208 supersedes and cancels 32 CFR 1960 Cum. Supp., Parts 206 and 208; Part 208 (25 F.R. 211) and Notice of Suspension of Part 208 (25 F.R. 680) of Title 32.

Bec.	•	
208.1	Purpose, applicability and objective.	
208.2	Definitions.	
208.3	Policies.	
208.4	Implementation.	
208.5	Required action.	

AUTHORITY: §§ 208.1 to 208.5 issued under sec. 202, 61 Stat. 500; 5 U.S.C. 171a.

§ 208.1 Purpose, applicability and objective.

(a) This part assigns authority and responsibilities and establishes policies relative to the transportation of household goods of military and civilian personnel of the Department of Defense (1) between points within the United States and (2) between the United States and other areas in through bill of lading service when the transportation is procured and arranged by an agency of the Department of Defense.

(b) The objective of this part is to assure high quality service to military and civilian personnel of the Department of Defense in the transportation of their household goods at the lowest overall cost to the Government.

§ 208.2 Definitions.

As used herein:

(a) "Lowest over-all cost" means the aggregate of all costs which are known or can reasonably be estimated in connection with a shipment (including accessorial charges and amounts paid by the Government for loss and damage).

(b) "United States" means the fortyeight contiguous states and the District of Columbia.

§ 208.3 Policies.

(a) Comparative costs among modes of transportation. Section 303(c) of the Career Compensation Act of 1949, as amended (63 Stat. 802), provides in part that "* * * members of the uniformed services * * * in connection with a change of station (whether temporary or permanent) [shall be entitled] to transportation (including packing, crating, drayage, temporary storage and unpacking) of baggage and household effects, or reimbursement therefor * * * without regard to the comparative costs of the various modes of transportation." However, comparative costs of the various modes of transportation may be disregarded only when all carriers within the mode(s) which would produce the lowest over-all cost to the Government cannot provide the required services satisfactorily. In such instances the next lowest cost mode in which carriers can provide satisfactory service shall be used. The same principle shall apply in shipping household goods of civilian personnel when the transportation is procured and arranged by an agency of the Department of Defense.

(b) Quality of service. The quality of service provided by carriers shall be evaluated, in comparison with uniform standards prescribed by the Single Manager for Traffic Management, on the basis of all available information, including, but not limited to, the following:

(1) Reports of inspections of carrier facilities, transportation equipment, and service practices.

(2) Carrier performance reports by military and civilian personnel in connection with the transportation of their household goods.

(3) Official reports and actions by regulatory bodies which serve as factual indicators of carrier performance.

(4) Claims for loss and damage filed against carriers and the Government, and settlements thereof.

(c) Qualified carriers. Only those carriers shall be qualified which:

(1) Are authorized according to law to provide the required services;

(2) Provide adequate evidence of satisfactory transportation equipment and financial responsibility and reliability;

(3) Have made specific arrangements for the use of a satisfactory terminal facility consisting of a warehouse, loading and unloading area, and office sufficiently near the shipping activity or point of origin of the shippenent to assure satisfactory service and permit ready inspection of the facility and the household goods stored or serviced therein;

(4) When required, have executed and filed with the appropriate office a house-

hold goods service tender or other document authorized in lieu thereof:

- (5) Assume full responsibility for arranging for placing in a satisfactory terminal facility those shipments which require storage in transit at destination; and
 - (6) Provide high quality service.
- (d) Selection of carrier and distribution of traffic. (1) Only those carriers shall be used which satisfy the requirements of paragraph (c) of this section at the lowest over-all cost to the Government. Connecting carriers on a joint carriage arrangement must meet all of the requirements for a qualified carrier except paragraph (c) (3) and (5) of this section when they are not terminating carriers.
- (2) To the extent practicable, traffic shall be distributed by destination state or other area outside the United States among these carriers in equitable proportions, subject to the following:
- (i) Carrier's ability to respond to requirements of the traffic offered for movement. When a carrier is offered a shipment and cannot perform, the carrier shall be charged with the offer in the same manner as if it had performed.
- (ii) At each shipping activity, additional shipments shall be offered to a carrier or carriers when it has been determined that it or they provide an exceptionally high quality of service as compared with other carriers serving the activity. Such shipments shall not be charged to normal distribution.
- (3) For traffic distribution purposes, carriers under effective common financial or administrative control shall be treated as a single carrier. The service tender, or document in lieu thereof, filed by each carrier shall include: (i) Name(s) of any other carrier(s) serving the same hipping activity which are under effective common financial or administrative control with the filing carrier, or (ii) a statement that the filing carrier is independent in finance and administration from all other carriers serving the same shipping activity.
- (4) When consistent with other provisions of this paragraph (d):
- (i) A request by the property owner for non-use of a carrier because of specific prior unsatisfactory service shall be honored if another carrier is available to move the shipment at the same overall cost to the Government.
- (ii) A preference for a carrier expressed by the property owner shall be honored.
- (5) Traffic shall be distributed according to the originating carrier rather than according to agent. When a joint carriage arrangement is utilized, shipments transported thereunder shall be considered as having been received by each participating carrier qualified to serve the origin point.
- (6) Records of traffic distribution shall be maintained by destination state or other area outside the United States.
- (e) None-use of carriers. (1) Carriers which have indicated in writing a desire to participate in Department of Defense traffic and are not considered to be qualified shall be notified in writing of their deficiencies. Such carriers shall

be provided an opportunity to (i) appeal the decision, or to (ii) receive further consideration after correcting the deficiencies causing the refusal.

- (2) Carriers which have been qualified, but which subsequently fail to provide high quality service, fail to meet the other requirements of paragraph (c) of this section, or commit unethical acts, shall be suspended in accordance with criteria and procedures established by the Single Manager for Traffic Management. Such carriers shall be provided an opportunity to (i) appeal the decision, or (ii) request requalification after correcting the deficiencies causing the suspension.
- (f) Use of storage in transit. When commercial temporary storage is required in connection with transportation, storage-in-transit, as defined in carriers' tariffs, shall be used except when it is clearly evident, after considering such factors as over-all cost, and liability of the carrier versus that of the warehouseman, that the best interests of the Government and the property owner can be served only by the use of contract storage.
- (g) Use of United States carriers. (1) The contracting carrier shall be a United States organization owned and controlled by citizens of the United States except when the Single Manager for Traffic Management has determined that a United States carrier cannot provide timely movement.
- (2) When commercial ocean or air carriers or operators are to be used as a part of through bill of lading service between the United States and other areas, only ships of United States registry engaged in regular berth service or United States flag aircraft shall be used except when the Single Manager for Ocean Transportation or the Single Manager for Airlift Service, respectively, has determined they are not available for timely movement.

§ 208.4 Implementation.

- (a) The Single Manager for Traffic Management is assigned authority and responsibility for:
- (1) Implementing this part by prescribing, in agreement with the heads of the other military services, uniform joint regulations which will include but not be limited to: (i) Service tenders or other documents authorized in lieu thereof; (ii) standards for quality of service; (iii) procedures for measuring and comparing the quality of service provided by carriers; (iv) criteria and procedures for offering additional shipments and for qualifying, selecting, and suspending carriers; and (v) standards, formulae, and procedures for determining the lowest over-all cost.
- (2). Assuring compliance with the above-mentioned regulations. Compliance will be accomplished through command channels of the military services, by appropriate means, including action based on recommendations by representatives of the Military Traffic Management Agency resulting from staff visits to all activities of the military services within the United States which ship household goods.

- (3) Negotiating with commercial carriers and operators on all matters incident to the transportation of household goods within the United States and between the United States and other areas in through bill of lading service. Negotiations with commercial air or ocean operators for transportation as a part of through bill of lading service between the United States and other areas, or with air carriers for service within the United States under long term contracts. shall be conducted by the Single Manager for Airlift Service or the Single Manager for Ocean Transportation. The agreement of the Single Manager for Traffic Management shall be secured prior to the initiation of such negotiations.
- (b) The service tenders or other documents authorized in lieu thereof referred to in paragraph (a) (1) of this section shall require carriers providing through bill of lading service between the United States and other areas to furnish after the fact reports of shipments to the Single Manager for Traffic Management, the Single Manager for Ocean Transportation, and the Single Manager for Airlift Service, as prescribed by uniform joint regulations.
- (c) The Single Manager for Traffic Management shall consult with the Small Business Administration and appropriate representatives of the transportation industry on those portions of joint procedures, standards, criteria and regulations directly affecting the transportation industry prior to their publication.
- (d) The Single Manager for Traffic Management shall develop, with the joint participation of the heads of the other military services, all standards, programs and procedures relative to the transportation of household goods. He shall also keep the Single Manager for Ocean Transportation and the Single Manager for Airlift Service informed on plans and other matters involving through bill of lading service between the United States and other areas.
- (e) The implementation of this part shall not abrogate the functions and responsibilities of the Single Manager for Airlift Service or the Single Manager for Ocean Transportation, nor, in overseas areas, of the military services or the unified or specified commands.

§ 208.5 Required action.

- (a) Joint regulations implementing this part shall be issued and action taken to assure uniformity of application in accordance with the schedule in paragraph (c) of this section. Such regulations, amendments thereto, and reissues thereof shall be coordinated with the Assistant Secretary of Defense (Supply and Logistics) prior to publication, and two copies of such documents shall be forwarded to him within thirty days after publication.
- (b) Provisions of all regulations of the Military Departments implementing Parts 206 and 208, 32 CFR 1960 Cum. Supp., shall remain in effect until superseded by the joint regulations implementing this part.

RULES AND REGULATIONS

(c) The schedule for implementation of this part is:

(1) September 1, 1960—Completion of printing and distribution of Implementing Regulations.

(2) September 7-December 1, 1960—Conduct conferences with Transportation Officers throughout the United States and overseas areas. Carriers will be invited to similar conferences.

(3) December 1, 1960—Effective date of Implementing Regulations.

MAURICE W. ROCHE, Administrative Secretary.

JULY 7, 1960.

[F.R. Doc. 60-6461; Filed, July 12, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX-PUBLIC LAND CROERS

[Public Land Order 2150]

[85162]

ALASKA

Revoking Executive Order of September 4, 1902, Which Withdrew Sledge Island for Use of Public Health and Marine Hospital Service

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of September 4, 1902, which withdrew the following-described lands in Alaska, is hereby revoked:

BERING SEA

Sledge Island off the coast of Seward Peninsula, west of Cape Nome, in latitude 64°30' north, longitude 166° west from Greenwich. Containing approximately 900 acres.

2. The lands are withdrawn by Executive Order No. 4257 of June 27, 1925, for use of the United States Coast Guard, for lighthouse purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 7, 1960.

[F.R. Doc. 60-6446; Filed, July 12, 1960; 8:46 a.m.]

[Public Land Order 2:151]

[1880638]

CALIFORNIA

Amending Executive Order No. 8884 of September 3, 1941

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8884 of September 3, 1941, which withdrew the following-described public lands in California:

MOUNT DIABLO MERIDIAN

T. 30 S., R. 14 E., Sec. 9, lots 1 and 2; Sec. 10, N½N½ and SW½NE¾; Sec. 15, lots 1, 2, 7, and 8.

for use of the War Department in connection with the construction of a reservoir and water pipeline to Camp San Luis Obispo, is hereby amended to delete therefrom the following paragraph added thereto by Executive Order No. 9526 of February 28, 1945:

(465.57 acres)

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

2. Executive Order No. 8884 is hereby further amended to substitute the words "Department of the Army" for the words "War Department" wherever they appear.

ROGER ERNST, Assistant Secretary of the Interior. JULY 7, 1960.

[F.R. Doc. 60-6447; Filed, July 12, 1960; 8:46 a.m.]

[Public Land Order 2152] [Anchorage 049973]

ALASKA

Partially Revoking Air Navigation Site Withdrawal No. 209

By virtue of the authority contained in Section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of October 5, 1943, which established Air Navigation Site Withdrawal No. 209, is hereby revoked so far as it affects the following-described lands:

SKWENTNA AREA

From the Southwest Corner No. 3 of Air Navigation Site Withdrawal No. 209, which is the point of beginning; thence

North, 7,711 feet;

S. 79°11' E., 16,197 feet;

Southerly, 5,600 feet, approximately, along the meander of the Skwentna River;

N. 64° W., 15,400 feet;

South, 6,200 feet;

West, 2,000 feet to the point of beginning.

The tract described contains approximately 1,550 acres.

- 2. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of applications, selections, and locations as are allowable on unsurveyed lands, in accordance with the following:
- a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, may be presented to the Manager mentioned below beginning on the date of this order. Such

applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on October 6, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat.

339; Public Law 85-508).

(3) All valid applications and selections under the nonmineral public land laws, other than from the State of Alaska under paragraph 2a. (2) above, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on October 6, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, selections and offers filed after that hour will be governed by the time of filing.

(4) Subject to the applications and claims described in paragraphs 2a. (1) and 2a. (2), the lands shall be subject to settlement under the homestead and Alaska homesite laws beginning at 10:00

a.m. on October 6, 1960.

b. The lands will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on October 6, 1960.

3. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 7, 1960.

[F.R. Doc. 60-6448; Filed, July 12, 1960; 8:46 a.m.]

[Public Land Order 2153] [Idaho 010891]

IDAHO

Partially Revoking Proclamation of November 5, 1906, and Executive Order No. 7986 of October 8, 1938, Affecting Lands in Challis National Forest

By virtue of the authority vested in the President by the Act of June 4, 1897

(30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Proclamation of November 5, 1906, which established the Lemhi Forest Reserve, the name of which was changed to Lemhi National Forest by the Executive order of July 1, 1908, and Executive Order No. 7986 of October 8, 1938, transferring lands to the Challis and Lemhi National Forests, are hereby revoked so far as they affect the following-described lands now in the Challis National Forest:

Boise Meridian

T. 10 N., R. 23 E., Sec. 10, SE14.

The area described contains 160 acres. 2. The land is located on the westerly side of the Pahsimeroi Valley at an elevation of about 7,500 feet. The land is mainly of rather smooth surface with broad, open slopes. Soil is sand to fine sand with commingled rock. Vegetative cover is mainly sagebrush with understory of bunchgrass, ricegrass and bluegrass.

3. Subject to any existing valid rights and the requirements of applicable law. the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on January 7, 1961, the State of Idaho shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-852), and the regulations in 43 CFR.

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on January 7, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to application and offers under the mineral leasing laws, and to location for metalliferous minerals. They will open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m. on January 7, 1961.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST, Assistant Secretary of the Interior. JULY 7, 1960.

[F.R. Doc. 60-6449; Filed, July 12, 1960; 8:46 a.m.]

> [Public Land Order 2154] [Montana 027506, 020872]

MONTANA

Order Providing for Opening of Public Lands (Power Site Classification No.

1. In an order of December 3, 1957, published in the FEDERAL REGISTER of December 11, 1957, at page 9894, as Power Site Cancellation No. 126, the Geological Survey cancelled Power Site Classification No. 301 of August 31, 1937, so far as and to the extent that it affects the following-described lands, pursuant to the determination of the Federal Power Commission in DA-149-Montana, issued October 21, 1955, and DA-159-Montana, issued November 8, 1957:

PRINCIPAL MERIDIAN

T. 23 N., R. 16 E., Sec. 21, NW 1/4 and W 1/2 SW 1/4; Sec. 28, W½NW¼; Sec. 29, SE¼NE¼ and E½SE¼; Sec. 32, NE 1/4 NE 1/4.

The areas described aggregate 480 acres.

2. In DA-149-Montana, the Federal Power Commission determined that the value of the following-described land, reserved in Power Site Classification No. 301, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public-land laws, subject to the provisions of Section 24 of the Federal Power Act, as amended; and subject to the condition that in the event the said tract is required for power purposes; any improvements or structures placed below the 2450-foot contour elevation thereof which should be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

PRINCIPAL MERIDIAN

T. 23 N., R. 16 E., Sec. 32, lot 3.

Containing 44.84 acres.

3. The lands are on the north bank of the Missouri River, approximately 40 miles southeast of Big Sandy, Montana. Topography is rolling to rough, with vegetation consisting of Western wheatgrass, Blue gramma, sagebrush, and

4. Subject to any valid existing rights, and the requirements of applicable law, the lands described in this order are hereby opened to filing of applications. selections, and locations, in accordance with the following, such opening as to the lands described in paragraph 2, hereof, being subject further to the provisions of section 24 of the Federal Power Act of 1920, as amended, and to the condition specified in the said paragraph 2, supra:

a. Until 10:00 a.m. on January 7, 1961, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of this order and subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR. During this period, the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or material sites, in accordance with section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

b. All valid applications under the nonmineral public land laws other than those coming under subparagraph a.. above, presented at or before 10:00 a.m. on January 7, 1961, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

c. Applications under subparagraphs a and b above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

5. The lands have been open to application and offers under the mineral leasing laws, and to location under the United States mining laws.

6. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST. Assistant Secretary of the Interior. JULY 7, 1960.

[F.R. Doc. 60-6450; Filed, July 12, 1960; 8:46 a.m.]

> [Public Land Order 2155] [Montana 033062]

MONTANA

Opening Lands Under Section 24 of the Federal Power Act (Power Site Classification No. 301)

1. In DA-164-Montana, issued March 6, 1959, the Federal Power Commission determined that the value of the following-described lands withdrawn in Power Site Classification No. 301 will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to section 24 of the Federal Power Act, as amended, and subject to the condition that in the event the said land is required for power purposes any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

PRINCIPAL MERIDIAN

T. 23 N., R. 18 E., Sec. 34, W½NE¼.

The area described contains 80 acres. 2. The lands are located in Fergus County, 18 miles north of Winifred, Montana.

- 3. Subject to any valid existing rights and the requirements of applicable law, including the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and the provisos described in paragraph 1 hereof, and pursuant to authority contained in the said act, the lands are hereby opened to filing of applications, selections and locations in accordance with the following:
- a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:
- (1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.
- (2) Until 10:00 a.m. on January 7, 1961, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-852), and the regulations in 43 CFR. During this period the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with the provisions of section 24 of the Federal Power Act, supra.
- (3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on January 7, 1961; will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.
- b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing

applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

Roger Ernst, Assistant Secretary of the Interior.

JULY 7, 1960.

[F.R. Doc. 60-6451; Filed, July 12, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

[Docket No. 11759; FCC 60-814]

PART 3—RADIO BROADCAST SERVICES

Certain Television Broadcast Stations in California and Nevada

In the matter of amendment of § 3.606 Table of Assignments, Television Broadcast Stations (Fresno, Bakersfield, and Santa Barbara, California; Goldfield and Tonopah, Nevada); Docket No. 11759.

- 1. In the Report and Order adopted in this proceeding on March 24, 1960 (FCC 60-279), we announced, with supporting reasons, our conclusion that the public interest would be served by placing all commercial television stations in Fresno on UHF channels.
- 2. In a further notice of proposed rule making, adopted on the same day, we invited comments on alternative channel assignments designed to accomplish that objective by appropriate disposition of Channel 12, now assigned to Fresno and occupied by Triangle Publications, Inc. (Radio and Television Division) and the substitution of a UHF assignment to Fresno. The alternatives are:
- A. (1) Reserve Channel 12+ for noncommercial educational use at Fresno and at the same time make Channel *18— available for commercial use at Fresno; or
- (2) Reassign Channel 12+ from Fresno to Santa Barbara; and
- B. Substitute Channel 59 for Channel 30+ at Madera, California, and reassign Channel 30+ from Madera to Fresno.
- 3. For reasons discussed hereinafter we have concluded that the public interest would best be served by accomplishing deintermixture at Fresno in the following manner:
- (a) Deleting Channel 12+ from Fresno.
- (b) Reassigning Channel 30+ from Madera to Fresno.
- (c) Replacing Channel 30+ at Madera with Channel 59.
- 4. In response to the Further Notice of March 24, 1960, comments in support of the Commission's proposal to deintermix Fresno were submitted by a number of parties, including Triangle Publications, Inc. (Radio and Television Division) KFRE-TV, Channel 12, Fresno; McClatchy Newspapers, Inc., KMJ-TV, Channel 24, Fresno; O'Neill Broadcast-

ing Company, KJEO, Channel 47, Fresno; Kern County Broadcasting Company, KLYD-TV, Channel 17, Bakersfield; the American Broadcasting Company; and others. Generally the positions taken by these parties correspond with our assessment of the desirability of deintermixing Fresno which is set forth in some detail in our Report and Order of March 24, 1960.

- 5. A number of individuals living in foothill and mountain communities, generally to the northeast of Fresno and to the east and northwest of the existing site of KFRE-TV oppose the deletion of Channel 12 from Fresno. A few persons, residing in the San Joaquin Valley at Fresno, and in such cities as Turlock (northwest of Fresno), and Kingsburg (southeast of Fresno), also voiced objection to the deintermixture of the Fresno assignments. We have carefully considered their views; and we summarize them as follows:
- (1) The best service to the foothill areas is provided by KFRE—TV on Channel 12. In some communities, only marginal service is provided by KJEO and KMJ—TV, operating on Channels 47 and 24, respectively. In others, it is impossible to receive UHF signals from the Fresno UHF stations and persons residing there rely exclusively on KFRE—TV for entertainment, news and information.
- (2) In some foothill and mountain communities and in some of the cities and towns to the north and south of Fresno, television sets are equipped to receive VHF signals only; and it would be expensive to convert these receivers for UHF reception.
- (3) The all-VHF plan, formerly proposed, would provide better service to persons living in the mountain and foothill areas east of Fresno. In addition, Fresno and the surrounding communities that would be served by the VHF stations are of such size and economic importance as to justify the allocation of VHF facilities to meet their needs. The VHF plan is superior for the further reason that UHF allocations for Fresno will be only a temporary expedient in view of the Commission's experience with UHF television in other areas of the United States.
- 6. In brief, these parties claim that they presently receive satisfactory service only from KFRE-TV and are not able to receive UHF signals, or, at best, such signals do not come in clearly. This phenomenon can be ascribed to a number of reasons. For example, the parties may not have provided themselves with suitable UHF receiving devices or it may be that the precise areas in which they reside are sufficiently shadowed by intervening terrain to prevent good reception of UHF signals. The latter explanation, however, seems doubtful, since the same persons claim that they receive "excellent" service from KFRE-TV. Though UHF frequencies are more subject to attenuation or blockage by natural or artificial barriers than VHF, the VHF signal could not produce "excellent pictures" if these areas were shadowed by intervening terrain to such an extent as to prevent reception of any UHF signals.

This consideration gives substance to our ultimate determination on this point expressed below.

7. First, however, we consider the problem of providing service to these communities in the foothills east of Fresno through the use of VHF channels at Patterson Mountain. Much study was given to this aspect of the case as a result of comments filed in response to the July 17, 1959, Notice of Further Proposed Rule Making (FCC 59-723). The Patterson Mountain site lies to the east and south of Meadow Lake, roughly 25 miles distant therefrom. The terrain between Patterson Mountain and the communities in the foothill regions rises rather sharply, with intervening ridges of over 6,000 feet. We were apprehensive that instead of gaining service the foothill settlements would lose service under the We said as much at VHF proposal. Paragraph 21 of the Report and Order of March 24, 1960 (FCC 60-279). This, together with other reasons expressed in the March 24, 1960, Report and Order, militated against adoption of the all-VHF plan for Fresno.

8. Paramount in our considerations, of course, was and is the maintenance and expansion of television services to the entire Fresno area, including, of course, the foothill areas; but this, we are assured, cannot be accomplished by maintaining the status quo. Therefore, we feel compelled to take such steps as will promote the public interest as a whole, notwithstanding the possibility that some persons have to make adjustments in the equipment they have on hand. In some instances it may be desirable to utilize translators or UHF co-channel boosters. However, it is reasonable to expect that UHF signals from Fresno stations situated at sites similar to the one used by KFRE-TV and utilizing increased power and improved facilities, which is to be anticipated under improved competitive conditions, will provide direct service to most of foothill communities.

9. The San Joaquin Valley Community Television Association, Inc., a non-profit corporation organized to foster the development of educational television in the San Joaquin Valley, alternatively requests the reservation of Channel 12 or 7, or retention of Channel 18 at Fresno as an educational reservation. We are of the view that under the favorable conditions prevailing in the Fresno area for UHF operation, and with all commercial stations operating on UHF channels in that city, the continued reservation of Channel 18 at Fresno for educational use would serve the public interest and, at the same time, provide interested parties with ample opportunities for establishing an educational station at Fresno. Such a station would be operating in the same frequency band used by all other stations in the area, where antennas and receivers will undoubtedly be specially designed for reception of the UHF signals of the three commercial Fresno stations.

10. The Commission's plan to substitute Channel 59 for Channel 30 at Madera was unopposed. Adoption of this proposal would permit the addition of a UHF channel to Fresno as a substitute

for Channel 12. The assignment of Channel 59 to Madera will provide a suitable replacement for the one being deleted; and the opportunities for establishing a local outlet in that community, at such time as there is a demand for the same, can be fulfilled. In these circumstances, we find it in the public interest to add Channel 30 to Fresno and substitute Channel 59 at Madera.

11. Several of the parties have strongly urged simultaneous deintermixture of Fresno and Bakersfield. These include operators of the Fresno stations; Kern County Broadcasting Company, KLYD-TV, Channel 17, Bakersfield; the American Broadcasting Company; and others. Bakersfield Broadcasting Company, KBAK-TV, Channel 29, Bakersfield, filed a separate petition for rule making on April 20, 1960, RM-177, seeking similar relief. In substance, it is argued that the same considerations which have led us to order deintermixture of Fresno prevail and are applicable to Bakersfield. On June 23, 1960, the Commission adopted a Notice of Proposed Rule Making. Docket No. 13608, and an Order to Show Cause, directed to Marietta Broadcasting, Inc., KERO-TV, Channel 10, Docket No. 13609, which look toward the deintermixture of Bakersfield. This action meets the requests of the abovementioned parties.

12. We now turn to a consideration of our proposal to reassign Channel 12 from Fresno to Santa Barbara and to the pleadings supporting and opposing adoption of this alternative use of that channel. A number of parties strongly support this plan, contending that (1) Santa Barbara needs and can support an additional television station; (2) the distant VHF television stations, located principally in Los Angeles, cannot be relied upon to provide satisfactory service to the Santa Barbara area; (3) a second local television outlet would afford the public a greater variety of programs and enhance the opportunities for originating local programs and coverage of events of local interest; (4) there is assurance from interested parties that the channel would be applied for and a new station promptly constructed; and (5) Channel 12 can be assigned to Santa Barbara in compliance with the Commission's rules.

13. The opponents, including Key Television, Inc., licensee of KEYT, Channel 3, Santa Barbara, Thomas B. Friedman, and Arenze Broadcasters, licensee of Radio Station KCOY, Santa Maria, argue that (1) the public interest would be served better by retaining and reserving Channel 12 at Fresno or reassigning the same to Bakersfield; (2) the use of Channel 12 at Santa Barbara is not technically feasible, due to potential interference (between the Santa Barbara station operating on Channel 12 and the co-channel Mexican station being constructed at Tijuana) caused by "ducting", "average terrain conditions" (over water path) between Santa Barbara and Tijuana, and "tropospheric propagation characteristics" present in the area; (3) the use of Channel 10 at Santa Barbara would be undesirable for similar reasons, since KFSD-TV operates on Channel 10 at San Diego and the

same propagation conditions exist between that City and Santa Barbara as exist between Santa Barbara and Tijuana; (4) since the potential use of Channel 10 and 12 at Santa Barbara is not technically feasible, Santa Barbara could never become a three station market, with separate outlets for each of the three major television networks; (5) there is no need for an additional station in Santa Barbara, because the area to be served by such a station presently receives multiple services from both Los Angeles and San Diego television stations; (6) Santa Barbara is principally a residential and resort city and cannot support a second television station; (7) the operators of KEYT have sustained heavy operating losses since its inception. with a current loss for 1959 of more than \$75,000.00, and the authorization of a second station may lead to the elimination of all local service in Santa Barbara, due to economic considerations: and (8) there is a greater need for the facility in Santa Maria or Lompoc-Santa Maria. since these communities now receive only fringe service from KEYT, Channel 3, Santa Barbara, and KSBY-TV, Channel 6. San Luis Obispo and the assignment of Channel 12 would provide a first local service to the communities in question.

14. Our review of all the foregoing arguments and contentions indicates to us the need for further study of the manner in which it would best serve the public interest to reassign Channel 12. An immediate decision in that regard is not in any event necessary to achieve the primary purpose of the instant proceeding, which is to deintermix the Fresno market and to place all television broadcast operations in that market on UHF channels at the earliest practicable date. To that end we confine our action herein to the deletion of Channel 12 from Fresno

15. In order to facilitate our further review of the best manner in which Channel 12 can be utilized elsewhere we are adopting today a Further Notice of Proposed Rule Making in Docket No. 13608 which looks toward the deintermixture of Bakersfield, California, by the removal from Bakersfield of Channel 10, the only VHF channel assigned to Bakersfield. Owing to the fact that spacing considerations would permit the use of Channel 12 in the same markets to which Channel 10 could be reassigned, subject to any necessary clearances with the Government of Mexico, we deem it desirable to consolidate for consideration in Docket No. 13608 the available alternative possibilities for the use in a new community of both Channels 10 and 12. The comments filed in the instant proceeding (Docket No. 11759) which contain arguments favoring or opposing the assignment of Channel 12 to particular communities (Santa Barbara, Santa Maria, and Lompoc-Santa Maria were mentioned), will be further considered and dealt with in Docket No. 13608.

16. We now direct attention to the comments filed herein by Triangle. Triangle is now licensed for operation on Television Station KFRE-TV, Channel 12 at Fresno. Triangle's transmitter is located some 30 miles northeast of

Fresno at Meadow Lake. In its pleadings, Triangle recognizes that the Commission's proposal for deintermixture of Fresno is fully consistent with its longrange allocations policy; and that the deletion of Channel 12 and the substitution of Channel 30 may well be in the public interest. It further acknowledges that it can operate on Channel 30 and provide a good signal to the residents of Fresno and the surrounding area. Triangle urges prompt and speedy effectuation of the Commission's all-UHF plan; and it consents to shift its operation to Channel 30.

17. Triangle attaches four conditions to its construction of Channel 30+ facilities and the abandonment of its procedural rights relating to its continued operation on Channel 12. First, Triangle requests that its license for KFRE-TV be renewed, on Channel 30 (instead of on Channel 12, as previously specified in its application for renewal, BRCT-265), subject to certain steps appropriate to the issuance of authorization to Triangle to make necessary changes in transmitting equipment and related facilities. We herein: (1) grant Triangle's pending application for renewal of license on Channel 12+; (2) order, pursuant to Triangle's expression of consent, that, effective immediately, the renewed license be modified to specify operation on Channel 30+ in lieu of Channel 12+; and (3) authorize and direct Triangle to make necessary changes in transmitting equipment and other facilities upon the submission and approval of necessary engineering specifications.

18. Second, Triangle requests a waiver of § 3.685(e) of the Commission's rules to permit utilization of a directional antenna, the general specification for the same having been set forth in its Engineering Statement of April 29, 1960. We have examined Figure 8, which shows the potential power gain in db in the horizontal plane for a station operating on Channel 30 and utilizing "beam tilting" as shown on this Figure. We find the ratio of minimum to maximum radiation in the horizontal plane to be substantially less than 10 decibels and, therefore, in accord with the Commission's rules. Under these circumstances, a waiver of our rules, as requested by Triangle, will not be necessary.

19. Third, it requests "that Triangle be authorized to continue to operate KFRE-TV with its presently authorized Channel 12 facilities until such time as the construction and installation of the UHF facilities shall have been completed and licensed for regular operation on Channel 30 or 18, and for such further time as the Commission may deem desirable and in the public interest * * *" We are of the view that Triangle should be allowed to operate on Channel 12+ during such reasonable time as may be required to complete construction on Channel 30+; and we herein grant temporary authority for this purpose. This will provide a continuity of service to the public and be in the public interest. are of the further view, however, that once construction of the station has been completed and it is readied for operation on Channel 30+ and Triangle is

licensed for operation on the same, it would not be in the public interest for Triangle to continue to utilize Channel 12+ at Fresno.

20. Fourth, Triangle requests that upon cessation of KFRE-TV's operation on Channel 12+, that channel be deleted from Fresno and no other channel be assigned to the area, so that the area will continue to be all-UHF. Our actions herein, including the deletion of Channel 12+ from Fresno, the reassignment of Channel 30+ to Fresno, and the steps initiated toward KFRE's shift from Channel 12+ to Channel 30+ all rest upon our considered judgment, after several years of continuing study of the matter in this proceeding, that the public interest would best be served by placing all television operations at Fresno in the UHF band. The merits of this course have been subjected to more than the usual amount of painstaking consideration, including detailed proceedings inaugurated in July 1959, in which we very closely examined the alternative course of providing enough VHF channel assignments at Fresno to accommodate three commercial stations and one noncommercial station there. Having arrived at this point of final decision on the basis of such thorough review of all available alternatives, we foresee no prospect of recurring to VHF channel assignments at Fresno, except in the highly improbable circumstance of the abandonment of the use of UHF channels for television broadcasting.

21. We do not, in any event, having gone to some lengths to deintermix this market, contemplate again intermixing the market by the assignment of VHF channels there. These circumstances, we believe, furnish the assurances sought by Triangle concerning the possibilities of the future assignment of one or more VHF channels to Fresno. It would, of course, be improper for the Commission, to attempt at any stage to make commitments binding for all time with respect to any particular allocation of frequency space. It is clear, moreover, that any attempt to place restraints upon responses by the Commission to future circumstances not now foreseen would be beyond the Commission's lawful powers. Subject to this clarification, the Commission is unaware at this stage of any circumstances which would make it desirable in the public interest, once having deintermixed this market, to intermix it again by the assignment to Fresno of one or more VHF channels.

22. The course of action projected in paragraphs 16 through 21 above conforms with the conditions attached by Triangle to its consent to the shift of KFRE-TV from Channel 12+ to Channel 30+. In embarking upon this course, we deem it appropriate to note that the steps contemplated thereunder are taken without prejudice to whatever measures the Commission might separately find it appropriate-to take upon the conclusion of further inquiry into alleged practices of Triangle which raise questions concerning Triangle's compliance with section 317 and other provisions of the Communications Act of 1934 and the Commission's rules. Be-

cause of the importance we attach to minimizing further delay in deintermixing Fresno, we find that, notwithstanding the pendency of this other matter, it is in the public interest to proceed now as contemplated in paragraphs 16 to 21. The shift of KFRE from Channel 12+ to Channel 30+ at Fresno constitutes the final step necessary to deintermixing Fresno. Our actions taken and contemplated herein, which are directed to those objectives and are unrelated to the separate questions concerning Triangle's compliance with the Communications Act and the Commission's Rules, cannot affect such decisions or actions as the Commission may find it appropriate to take after all relevant facts relating to the latter have been established and considered.

23. The actions herein are taken pursuant to authority found in sections 4 (i) and (j), 303, 307, 309 and 316 of the Communications Act of 1934, as amended.

24. In view of the foregoing: It is ordered, That effective August 12, 1960, § 3.606 of the rules of the Commission, Table of Assignments, Television Broadcast Stations, is amended insofar as the communities named are concerned, to read as follows:

City Channel No.
Fresno, Calif *18-,24,30+,47,53
Madera, Calif 59

25. It is further ordered, That the application of Triangle Publications, Inc. (Radio and Television Division) for renewal of the license of KFRE-TV (BRCT-265) on Channel 12+ is granted; and.

26. It is further ordered, That, effective immediately, the aforesaid renewed license is modified to specify operation of KFRE-TV on Channel 30+ in lieu of Channel 12+, subject, however, to the filing and approval of necessary engineering data as hereinafter ordered; and,

27. It is further ordered, That Triangle Publications, Inc. (Radio and Television Division) file with the Commission on or before August 3, 1960, all necessary engineering data relative and pertinent to the construction of facilities for the operation of KFRE-TV on Channel 30+ at the site presently specified for the transmitter of Television Station KFRE-TV at Meadow Lake in accordance with the general specifications set forth in the Engineering Statement of April 29, 1960, attached to its Comments in the instant Docket, filed May 2, 1960; and,

28. It is further ordered, That, upon notification of approval by the Commission of the engineering data filed pursuant to paragraph 27 hereof, Triangle Publications, Inc. (Radio and Television Division) proceed promptly and with reasonable dispatch to take all steps necessary to construct and install the facilities so approved and ready them for commencement of operation of KFRE-TV on Channel 30+ no later than April 15, 1961, upon customary notification to the Commission of completion of construction and receipt of authorization to commence operations on Channel 30+; and,

29. It is further ordered, That Triangle Publications, Inc. (Radio and Television

Division) be and hereby is granted temporary authority to continue to operate Television Station KFRE–TV on Channel 12+ at Fresno until April 15, 1961; and that the temporary authority granted herein shall not be extended unless it is shown that, owing to causes not within Triangle's control, it is impossible for Triangle to commence operation on Channel 30+ by that date; and further, that if such showing is made, this temporary authority for operation of KFRE-TV on Channel 12+ may be extended only for such further time as may be reasonably necessary to complete steps required for commencement of its operation on Channel 30+; and,

30. It is further ordered, That the pending applications of Triangle Publications, Inc. (Radio and Television

Division) for renewal of the licenses for Auxiliary Stations KD-5052 (BRTP-320) and KMR-56 (BRTS-165) are granted; and,

31. It is further ordered, That the actions taken in paragraphs 25 through 30 hereof, shall be without prejudice to whatever measures the Commission may find it appropriate to take, if any, in connection with its pending inquiry into compliance by Triangle Publications, Inc. (Radio and Television Division) with section 317 of the Communications Act of 1934 and the Commission's rules; and,

32. It is further ordered, That all other proposals or requests for alternative or other relief sought herein which are inconsistent with the decisions reached

and the actions taken in this proceeding are denied; and,

33. It is further ordered, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 7, 1960.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION.¹

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-6482; Filed, July 12, 1960; 8:51 a.m.]

¹Dissenting statement of Commissioner Cross filed as part of the original document.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs
[19 CFR Part 19]

SMELTING AND REFINING WAREHOUSES

Withdrawal of Products From Bonded Smelting and Refining Warehouses

Notice is hereby given that, under the authority of section 312, Tariff Act of 1930, the Treasury Department is considering an amendment to § 19.18 of the Customs regulations relating to smelting and refining warehouses.

By the President's Proclamation No. 3257 of September 22, 1958 (3 CFR, 1958 Supp., p. 39; T.D. 54705), import quotas were established on dutiable lead and zinc, including the dutiable lead and zinc content of lead-bearing and zincbearing ores. So long as a quota is open such merchandise may be tendered for admission under the quota by filing with the appropriate collector of customs duty-paid consumption entries covering the imported merchandise, or in the case of such merchandise entered for storage in customs bonded warehouses of classes 2, 3, or 4 by filing with the collector withdrawals for consumption for the lead and zinc contained in the ores.

In the case of lead-bearing ores taken into a bonded smelting and refining warehouse, there to be smelted or refined, or both, special provision is made in the Proclamation (clause numbered (2) of item 391) that whenever in any three-month period beginning October 1, 1958, and January 1, April 1, July 1, and October 1 in any subsequent year:

(2) The dutiable lead content (as shown on the warehouse withdrawal for consumption in accordance with the applicable customs regulations) of lead-bearing ores, flue dust, or mattes, the product of such country, with respect to which duty was collected under section 312 of the Tariff Act of 1930. upon withdrawal for consumption from cus-toms bonded warehouse of "metal producible" within the meaning of the said section 312, are determined by the Secretary of the Treasury of the United States to have reached the aggregate quantity specified below for such country, no lead-bearing ores, flue dust. or mattes the product of such country may be entered, or withdrawn from warehouse. for consumption during the remainder of such period; and no article may be withdrawn for consumption from any customs bonded warehouse during the remainder of such period if by reason of such withdrawal duty would become collectible under section 312 of the Tariff Act of 1930 in cancellation of a bond charge covering any lead-bearing ore, flue dust, or matte the product of such country: * * *.

Similar provisions appear with respect to zinc-bearing ores.

The Department has not authorized the filing of warehouse withdrawals from

bonded smelting warehouses of lead and zinc either for consumption or for exportation until the lead or zinc is in the form of a smelted or refined product.

It has been suggested to the Bureau of Customs that this procedure be modified by permitting withdrawals for consumption to be filed so long as there is on hand in the bonded smelter or refinery a quantity of metal contained in ores or crude metals in their condition as entered, or in any intermediate stage, or of smelted or refined products, which in total are equivalent to the quantity of metal covered by the withdrawal papers. Under this suggestion withdrawal papers would be accepted even though the total quantity of smelted or refined products physically on hand in the plant was less than the quantity specified in the withdrawal papers, provided however that the total metal in the plant in all forms, e.g., ores, intermediates and smelted and refined products, was at least as great as the quantity specified in the withdrawal.

It is proposed to amend § 19.18 of the Customs regulations by adding at the end of the last sentence the following: "However, duty-paid warehouse withdrawals for consumption may be filed with regard to metal which will be physically withdrawn in the form of smelted or refined products whether at the time of the filing of the withdrawal papers the dutiable metal covered by the bond charge being cancelled by the withdrawal is in the form of ores, concentrates, crude metals, or intermediate products. If the warehouse withdrawal for consumption covers a product which does not sustain the full wastage applicable (see § 19.22) prior to being physically released from customs custody, a proportionate part only of such wastage may be allowed. The warehouse withdrawal and delivery permit shall (1) describe the smelted or refined products to be withdrawn in terms of the condition in which they will be when released from customs custody upon presentation of the delivery permit; (2) state the estimated amount of the dutiable metal contained in the products, and (3) the warehouse withdrawal shall specify the applicable wastage. A quantity of dutiable metal equivalent to the smelted or refined products covered by each withdrawal for consumption must be actually on hand at the plant at the time of filing the withdrawals; but neither the actual ability to withdraw smelted or refined products from the warehouse nor the actual physical condition described in the withdrawal will be required as of the time of filing the withdrawal.'

Prior to the final adoption of the amendment to the regulations herein proposed, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D.C., within 45 days from

the date of publication of this notice in the Federal Register.

No hearing will be held.

[SEAL]

RALPH KELLY, Commissioner of Customs.

Approved: July 7, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6475; Filed, July 12, 1960; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
[7 CFR Part 51]

UNITED STATES STANDARDS FOR GRADES OF FLORIDA GRAPE-FRUIT 1

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Florida Grapefruit pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

Proposed changes are designed to make the standards more applicable to current marketing practices. Following are the more important changes proposed:

(1) In the U.S. No. 1 Bright grade the amount of surface permitted to be affected by discoloration would be increased from one-tenth to one-fifth of the surface;

(2) The U.S. No. 1 Bronze grade would be changed to require that all fruit must show some discoloration and more than 30 percent of the fruit shall have more than one-third of the surface affected by discoloration. The predominating discoloration on each fruit must be of rust mite type:

(3) The U.S. No. 1 Russet grade would be changed to require that more than 30 percent of the fruit shall have in excess of one-third of the surface affected by any type of discoloration;

(4) In the U.S. No. 2 grade the definitions of shape and texture would be changed to require slightly better shape and texture; and,

(5) The Application of tolerances would be changed to permit any package which contains 10 pounds or less to have four times the tolerance for defects and at least two defective fruits would be permitted provided that the lot aver-

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

ages within the tolerance. En route or at destination 10 percent of the packages may have more than one fruit affected by decay provided that the lot averages within the tolerance.

A number of changes in definitions and phraseology are also proposed in the interest of clarity.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than August 1, 1960.

The proposed standards, as revised, are as follows:

GRADES

Sec.	
51.750	U.S. Fancy.
51.751	U.S. No. 1.
51.752	U.S. No. 1 Bright.
51.753	U.S. No. 1 Golden.
51.754	U.S. No. 1 Bronze.
51.755	U.S. No. 1 Russet.
51.756	U.S. No. 2.
51.757	U.S. No. 2 Bright.
51.758	U.S. No. 2 Russet.
51.759	U.S. No. 3.

UNCLASSIFIED

51.760 Unclassified.

TOLERANCES

51.761 Tolerances.

APPLICATION OF TOLERANCES

51.762 Application of tolerances.

STANDARD PACK

51.763 Standard Pack.

DEFINITIONS

51.764	Similar varietal characteristics.
51.765	Well colored,
51.766	Firm.
51.767	Well formed.
51.768	Mature.
51.769	Smooth texture.
51.770	Injury.
51.771	Discoloration.
51.772	Fairly well colored.
51.773	Fairly smooth texture.
51.774	Damage.
51.775	Fairly firm.
51.776	Slightly misshapen.
51.777	Slightly rough texture.
51.778	Serious damage.
51.779	Slightly colored.
51.780	Misshapen.
51.781	Slightly spongy.
51.782	Very serious damage.
51.783	Diameter.
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AUTHORITY: §§ 51.750 to 51.783 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

GRADES

§ 51.750 U.S. Faney.

"U.S. Fancy" consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition,

sprouting, sunburn, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface in the aggregate may be affected by discoloration. (See § 51.761.)

§ 51.751 U.S. No. 1.

"U.S. No. 1" consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin, or similar type of discoloration, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, dirt or other foreign materials, dryness or mushy condition, green or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) In this grade not more than one-third of the surface in the aggregate may be affected by discoloration. (See § 51.761.)

§ 51.752 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that the fruit may have not more than onefifth of its surface, in the aggregate affected by discoloration. (See § 51.761.)

§ 51.753 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected by discoloration. (See § 51.761.)

§ 51.754 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration, and more than 30 percent, by count, of the fruit shall have more than one-third of the surface, in the aggregate, affected by discoloration. The predominating discoloration on each fruit must be of rust mite type. (See § 51.761.)

§ 51.755 U.S. No. 1 Russet.

The requirements of this grade are the same as for U.S. No. 1 except that more than 30 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by any type of discoloration. (See § 51.761.)

§ 51.756 U.S. No. 2.

"U.S. No. 2" consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or of slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks and free from serious damage, caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness, or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) In this grade not more than onehalf of the surface in the aggregate, may

be affected by discoloration. (See § 51.761.)

§ 51.757 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.761.)

§ 51.758 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface in the aggregate affected by discoloration. (See § 51.761.)

§ 51.759 U.S. No. 3.

'U.S. No. 3" consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, mechanical or other means. The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.761.)

UNCLASSIFIED

§ 51.760 Unclassified.

"Unclassified" consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.761 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) U.S. Fancy Grade. 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(b) U.S. No. 1 and U.S. No. 1 Bright Grades. 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not more than 3 percent.

shall be allowed for decay enroute or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall

apply to wormy fruit.

(c) U.S. No. 1 Golden and U.S. No. 1 Bronze Grades. 10 percent of the fruits in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface in the aggregate affected by discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: Provided, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(d) U.S. No. 1 Russet Grade. 10 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-half of this amount. or 5 percent, shall be allowed for very serious damage, and not more than onetwentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface in the aggregate affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: Provided, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) U.S. No. 2 and U.S. No. 2 Bright Grades. 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the friuts in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy

(f) U.S. No. 2 Russet Grade. 10 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-half of this amount. or 5 percent, shall be allowed for very serious damage other than that caused

by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: Provided, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(g) U.S. No. 3 Grade. 15 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destina -tion. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.762 Application of tolerances.

The contents of individual packages are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specifled for the grade.

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less, shall have not more than four times the tolerances specified, except that at least defective fruits may be permitted: Provided, That not more than one fruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package: and en route or at destination not more than 10 percent of the packages may have more than one fruit affected by decay.

STANDARD PACK

§ 51.763 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes or cartons. shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in standard nailed boxes, each box shall have a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size

80 or smaller need only have a bulge of 11/2 inches. When packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruit in any container are outside the ranges of diameters given in the following table for various packs:

TABLE I-DIAMETER IN INCHES

Pack	Minimum	Maximum
36's	5 411/16 49/16 43/16 315/16 33/16 35/16	5916 5916 41916 41916 4816 4516 4316 4

- (d) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:
- 64 size and smaller-not more than %6 inch in diameter.
- 54 size and larger-not more than %6 inch
- (e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.764 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.765 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.766 Firm.

"Firm" means that the fruit is not soft. or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.767 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.768 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.16, 601.17 and 601.18 of the Florida Citrus Code of 1949, as amended (Ch. 28090 and 29760, Laws of Florida, 1953 and 1955) or as the definition of such term may hereafter be amended.

§ 51.769 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.770 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as injury:

- (a) Green spots or oil spots, when more than slightly detracting from the appearance of the fruit.
- (b) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on the other portions of the fruit;
- (c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(d) Thorn scratches when the injury is not slight, not well healed, or more unsightly than the discoloration allowed in the grade.

§ 51.771 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.772 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.773 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.774 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as damage:

(a) Ammoniation, when not occurring as light speck type similar to melanose;

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit:

(c) Green spots or oil spots, when more than materially detracting from the appearance of the fruit:

(d) Scab when it cannot be classed as discoloration or materially detracts from the shape or texture;

(e) Scale, when occurring as a blotch and its size exceeds the area of a circle 34 inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 114 inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: Provided, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch 34 inch in diameter or a ring 114 inches in diameter on a 70-size grapefruit;

(f) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(g) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is materially flattened, dry, darkened or hard; and,

(h) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregated area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.775 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.776 Slightly misshapen.

"Slightly misshapen" means that the fruit has fairly good shape characteristic of the variety and is not more than slightly elongated or pointed or otherwise deformed.

§ 51.777 Slightly rough texture.

"Slightly rough texture" means that the skin may be slightly thick but not excessively thick, materially ridged or grooved.

§ 51.778 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and aggregating more than one-half inch in diameter, or when light colored and aggregating more than one inch in diameter;

(b) Buckskin when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed:

(c) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit:

(d) Green spots or oil spots when the aggregate area exceeds the area of a circle one inch in diameter on a grape-fruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit:

(e) Scab when it cannot be classed as discoloration, or when seriously detracting from the shape of texture;

(f) Scale, when occurring as a blotch and its size exceeds the area of a circle one inch in diameter, or when occurring as a ring and its size exceeds the area of a circle $1\frac{1}{2}$ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: Provided, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch one inch in diameter or a ring $1\frac{1}{2}$ inches in diameter on a 70-size grapefruit;

(g) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Sprayburn which seriously detracts from the appearance of the fruit, or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration:

(i) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1½ inches in diameter in the aggregate has a light brown discoloration; and,

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.779 Slightly colored.

"Slightly colored" means that except for two inches in the aggregate of green color, the remainder of the fruit surface shows some yellow color.

§ 51.780 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed, or flat sided.

§ 51.781 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.782 Very serious damage.

"Very serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

- (a) Growth cracks that are seriously weakened, gummy or not healed;
- (b) Ammoniation when aggregating more than 2 inches in diameter, or which has caused serious cracks;
 - (c) Bird pecks, when not healed;
- (d) Caked melanose when more than 25 percent in the aggregate of the surface of the fruit is caked.

PROPOSED RULE MAKING

- (e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;
- (f) Dryness or mushy condition when affecting all segments more than onehalf inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit:
- (g) Scab when aggregating more than 25 percent of the surface:
- (h) Scale when covering more than 20 percent of the surface;
- (i) Sprayburn when seriously affecting more than one-third of the fruit surface;
- (j) Sunburn when seriously affecting more than one-third of the fruit surface; and.
- (k) Thorn punctures when not healed or the fruit is seriously weakened.

§ 51.783 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

Dated: July 8, 1960.

F. R. BURKE. Acting Deputy Administrator, Marketing Service.

[F.R. Doc. 60-6487; Filed, July 12, 1960; 8:51 a.m.]

[7 CFR Part 5] |

UNITED STATES STANDARDS FOR GRADES OF FLORIDA ORANGES AND TANGELOS 1

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140 to 51.1186) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

Proposed changes are designed to make the standards more applicable to current marketing practices. Following are the more important changes proposed:

- (1) In the U.S. No. 1 Bright grade the amount of surface permitted to be affected by discoloration would be increased from one-tenth to one-fifth of the surface;
- (2) The U.S. No. 1 Bronze grade would be changed to require that all fruit must show some discoloration, and more than 30 percent of the fruit shall have more than one-third of the surface affected by discoloration. The predominating discoloration on each fruit must be of rust mite type;
- (3) The U.S. No. 1 Russet grade would be changed to require that more than 30 percent of the fruit shall have in excess of one-third of the surface affected by any type of discoloration; and,

(4) The Application of Tolerances would be changed to permit any package which contains 10 pounds or less to have four times the tolerance for defects and at least two defective fruits would be permitted, provided that the lot averages within tolerance. En route or at destination 10 percent of packages may have two fruits or 6 percent (whichever is the larger amount) affected by decay, provided that the lot averages within the tolerance.

A number of changes in definitions and phraseology are also proposed in the interest of clarity.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of gton 0.

Agricul	ture, South Building, Washingt
25, D.C	., not later than August 1, 1960
The	proposed standards, as revised,
as follo	ws:
	GENERAL
Sec.	·
51.1140	General.
	GRADES
51.1141	U.S. Fancy.
51.1142	U.S. No. 1 Bright.
	U.S. No. 1.
	U.S. No. 1 Golden.
	U.S. No. 1 Bronze.
	U.S. No. 1 Russet.
	U.S. No. 2 Bright.
	U.S. No. 2.
	U.S. No. 2 Russet.
51.1150	U.S. No. 3.
	Unclassified '
51.1151	Unclassified.
	TOLERANCES
51.1152	Tolerances.
	Application of Tolerances
51.1153	Application of tolerances.
	STANDARD PACK

51.1154 Standard pack.

DEFINITIONS 51.1155 Similar varietal characteristics. 51.1156 Well colored.

51.1157	Firm.
51.1158	Well formed.
51.1159	Mature.
E1 1100	Charles - 4.75 - 4 - 5-4 - 5

51.1160 Smooth texture. 51.1161 Injury.

51.1162 Discoloration.

51.1163 Fairly smooth texture.

51.1164 Damage. Fairly well colored.

51.1165

Reasonably well colored. 51.1166

Fairly firm. 51.1167

51.1168 Slightly misshapen. 51.1169 Slightly rough texture.

51.1170 Serious damage.

Misshapen.

51.1172 Slightly spongy.

51.1173 Very serious damage.

51.1174 Diameter.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OS-BECK)

51.1175 U.S. Grade AA Juice (Double A). 51.1176

U.S. Grade A Juice.

51.1177 Maximum anhydrous citric acid permissible for corresponding total soluble solids.

Sec. 51.1178 Method of juice extraction.

AUTHORITY: §§ 51.1140 to 51.1178 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

GENERAL

§ 51.1140 General.

The standards contained in this subpart apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines, and to the citrus fruit commonly known as "tangelo"—a hybrid between tangerine or mandarin orange (citrus reticulata) with either the grapefruit of pomelo (C. paradisi and C. grandis). Separate U.S. Standards apply to tangerines. The standards for internal quality contained in §§ 51.1175 through 51.1178 apply only to common sweet oranges (citrus sinensis (L) Osbeck).

GRADES

§ 51.1141 U.S. Fancy.

"U.S. Fancy" consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature. and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and are free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) In this grade not more than onetenth of the surface, in the aggregate, may be affected by discoloration. § 51.1152.)

(b) If any lot of U.S. Fancy fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts.

§§ 51.1175-51.1178.)

§ 51.1142 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. Bright fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175-51.1178.)

§ 51.1143 U.S. No. 1.

"U.S. No. 1" consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting,

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

- (a) Oranges of the early and midseason varieties shall be fairly well colored.
- (b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.
- (c) In this grade not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.1152.)
- (d) If any lot of U.S. No. 1 fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1144 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected by discoloration. (See § 51.1152).

(a) If any lot of U.S. No. 1 Golden fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175-51.1178.)

§ 51.1145 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration, and more than 30 percent, by count, of the fruit shall have more than one-third of the surface, in the aggregate, affected by discoloration. The predominating discoloration on each fruit must be of rust mite type. (See § 51.1152.)

(a) If any lot of U.S. No. 1 Bronze fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175-51.1178.)

§ 51.1146 U.S. No. 1 Russet.

The requirements of this grade are the same as for U.S. No. 1 except that more than 30 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by any type of discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 1 Russet fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175-51.1178.)

§ 51.1147 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 2 Bright-fruit also meets the internal specifica-

tions of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175-51.1178.)

§ 51.1148 U.S. No. 2.

"U.S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn. sprouting, sunburn. thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

- (a) Each orange of this grade shall be reasonably well colored.
- (b) In this grade not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.1152.)
- (c) If any lot of U.S. No. 2 fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.—1175–51.1178.)

§ 51.1149 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 2 Russet fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175-51.1178.)

§ 51.1150 U.S. No. 3.

"U.S. No. 3" consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness, or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh. disease, insects, or mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.1152.)

(b) If any lot of U.S. No. 3 fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175-51.1178.)

UNCLASSIFIED

§ 51.1151 Unclassified.

"Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1152 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) U.S. Fancy grade. 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(b) U.S. No. 1 grade. 10 percent of the fruits in any lot may fail to meet the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

(c) U.S. No. 1 Bright grade. 10 percent of the fruits in any lot may fail to meet the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(d) U.S. No. 1 Golden and U.S. No. 1 Bronze grades. 10 percent of the fruits in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping

point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected by discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: Provided. That the entire lot averages within the percentages specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) U.S. No. 1 Russet grade. 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount. or 5 percent, shall be allowed for very serious damage, and not more than onetwentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: Provided, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(f) U.S. No. 2 and U.S. No. 2 Bright grades. 10 percent of the fruits in any lot may fail to meet the requirements of the grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits. in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(g) U.S. No. 2 Russet grade. 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface, in the aggregate, affected by discolora-

tion which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: Provided, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(h) U.S. No. 3 grade. 15 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.1153 Application of tolerances.

The contents of individual packages are subject to the following limitations: Provided. That the averages for the entire lot are within the tolerances specified for the grade:

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less, shall have not more than four times the tolerances specified, except that at least two defective fruits may be permitted: Provided. That not more than one fruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package; and en route or at destination not more than 10 percent of the packages may have more than two fruits or more than 6 percent (whichever is the larger amount) affected by decay.

STANDARD PACK

§ 51.1154 Standard pack.

(a) Fruit shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes, fruit shall be arranged according to the approved and recognized methods and shall meet the applicable standard size requirements of this section. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard 1% bushel nailed boxes, each container shall show a minimum bulge of 11/4 inches.

(d) "Standard size" means that not more than 10 percent, by count, of the fruits in any container are below the minimum diameters given in the applicable one of the following Tables 1, 2, 3 and 4 for the various packs, types of fruit, and size of boxes:

TABLE 1

Oranges other than Temples, packed in 1% bushel boxes: Winimam diamatar

	minimum and	тегет
Size and count:	in inches	3
96's		3%16
125's or 126's		31/16
150's		3
175's or 176's		$2^{13/16}$
216's		21%16
252's		2%6
288's or 294's		2%6
324's		$2\frac{1}{16}$
•	*	

TABLE 2

Temple oranges and tangelos packed in 4/5 bushel regular, wirebound boxes:

	Minimum diameter
Size and count:	in inches
56's	35/16
64's	33/16
72's	31/16
80's	
96's	212/16
125's	2946
150's	29/16
175's	

TABLE 3 Temple oranges and tangelos packed in 4/5 bushel flat, wirebound boxes:

	Minimum diameter
Size and count:	in inches
54's	36/16
66's	32/16
80's	3
90's	2 ¹ 46
100's	212/16
108's	211/18
120's	2916
130's	2816
156's	25/16

TABLE 4

Temple oranges and tangelos packed in 4/5 bushel half-strap boxes:

	Minimum dia	
Size and count:		
48's		36/16
60's		$3\frac{4}{16}$
76's		31/16
90's		211/16
106's		211/16
120's		2%6
144's		21/16
168's		$2\frac{5}{16}$

- (e) "Fairly uniform in size" means that not more than 10 percent, by count. of the fruits in any container vary more than the following amounts:
- (1) Five-sixteenths inch in diameter for 150 size and smaller oranges, other than Temples, packed in 1% bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in 4/5 bushel boxes; and,
- (2) Six-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1% bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in % bushel boxes.
- (f) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:
- (1) Four-sixteenths inch in diameter for 150 size and smaller oranges, other

than Temples, packed in 1% bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in % bushel boxes; and,

(2) Five-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1% bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in % bushel boxes.

(g) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.1155 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.1156 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.1157 Firm.

"Firm" as applied to common oranges and tangelos means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), "firm" means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.1158 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.1159 Mature.

(a) "Mature," for other than Temple oranges, shall have the same meaning currently assigned that term in sections 601.19 and 601.20 of the Florida Citrus Code of 1949, as amended (Ch. 25149, Laws of Florida, 1949) or as the definition of such term may hereafter be amended:

(b) "Mature" for Temple oranges shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (Ch. 26492, Laws of Florida, 1951) or as the definition of such term may hereafter be amended; and,

(c) "Mature" for tangelos shall have the same meaning currently assigned that term in sections 601.231 and 601.232 of the Florida Citrus Code of 1949, as amended (Ch. 29757, Laws of Florida, 1955) or as the definition of such term may hereafter be amended.

§ 51.1160 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.1161 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly

detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as injury:

(a) Green spots or oil spots when more than slightly detracting from the appearance of the individual fruit;

(b) Rough and excessively wide or protruding navels when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange:

(c) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade: and.

(e) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.1162 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.1163 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1164 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as damage:

- (a) Ammoniation when not occurring as light speck type similar to melanose;
- (b) Creasing when causing the skin to be materially weakened;
- (c) Dryness or mushy condition when affecting all segments of the fruit more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;
- (d) Green spots or oil spots when more than 5 in number, or when the aggregate area of all spots exceeds the area of a circle three-fourths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or

greater areas: *Provided*, That the appearance of the orange is not affected to a greater extent than the number or area permitted on an orange 3 inches in diameter:

(e) Scab when it cannot be classed as discoloration, or materially detracts from

the shape or texture;

(f) Scale when occurring as a blotch and its size exceeds the area of a circle five-eighths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: Provided, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch five-eighths inch in diameter on an orange 3 inches in diameter;

(g) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade:

(h) Split or rough or protruding navels when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or threecornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(i) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is materially flattened,

dry, darkened, or hard;

- (j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,
- (k) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1165 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.1166 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least twothirds of the fruit surface, in the aggregate.

§ 51.1167 Fairly firm.

"Fairly firm" as applied to common oranges and tangelos, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1168 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.1169 Slightly rough texture.

"Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1170 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diam-

eter;

(b) Buckskin when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(c) Creasing when so deep or extensive that the skin is seriously weakened;

- (d) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit:
- (e) Green spots or oil spots when seriously detracting from the appearance of the individual fruit;
- (f) Scab when it cannot be classed as discoloration, or when seriously detracting from the shape or texture;

(g) Scale when it seriously detracts from the appearance of the individual

fruit;

- (h) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade:
- (1) Split or rough or protruding navels when any split is unhealed, or one well-healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grad-

ing, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(j) Sprayburn which seriously detracts from the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1½ inches in diameter;

(1) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches, when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(m) Undeveloped or sunken segments in navel oranges when such segments are so sunken or undeveloped that they

are readily noticeable; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1171 Misshapen.

"Misshapen" means that the fruit is decidely elongated, pointed or flat-sided.

§ 51.1172 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1173 Very serious damage.

"Very serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

- (a) Growth cracks that are seriously weakened, gummy or not healed;
- (b) Ammoniation when aggregating more than 2 inches in diameter, or which has caused serious cracks;
 - (c) Bird pecks when not healed:
- (d) Caked melanose when more than 25 percent, in the aggregate, of the surface of the fruit is caked;
- (e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;
- (f) Creasing when so deep or extensive that the skin is very seriously weakened;
- (g) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this

amount, by volume, when occurring in other portions of the fruit;

(h) Scab when aggregating more than 25 percent of the surface of the fruit;

(i) Scale when covering more than 20 percent of the surface of the fruit;

(j) Split navels when not healed or the fruit is seriously weakened;

- (k) Sprayburn when seriously affecting more than one-third of the fruit surface:
- (1) Sunburn when seriously affecting more than one-third of the fruit surface;
- (m) Thorn punctures when not healed or the fruit is seriously weakened; and,
- (n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1174 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

§ 51.1175. U.S. Grade AA Juice (Double A).

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade AA Juice (Double A)":

(a) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1177.

§ 51.1176 U.S. Grade A Juice.

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade A Juice":

(a) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels,

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1177.

§ 51.1177 Maximum anhydrous citric acid permissible for corresponding total soluble solids.

For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table 5 together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE 5

Total soluble solids (average percent)	Maximum anhydrous citric acid (average percent)	Minimum ratio of total soluble solids to anhydrous citric acid
0.0	0.047	0.50.1
9.0 9.1	0.947 .963	9.50-1 9.45-1
9.2	.979	9, 40-1
9.3	. 995	9.35-1
9.4 9.5	1.011 1.027	9, 30-1 9, 25-1
9.6	1.027	9. 20-1
9.7	1.060	9.15-1
9.8	1.077	9. 10-1 9. 05-1
9.9 10.0	1.094 1.111 1.128	9.00-1
10.1	1.128	8.95-1
10.2	1.146	8. 90-1 8. 85-1
10.3	1, 164 1, 182	8, 85-1 8, 80-1
10.5		8.75-1
10.6	1. 218	8.70-1
10.7	1.237	8. 65-1 8. 60-1
10.9	1. 275	8. 55-1
10.9 11.0 11.1	1. 200 1. 218 1. 237 1. 256 1. 275 1. 294 1. 306 1. 318 1. 329	8, 50-1
11.2	1.306	8. 50-1 8. 50-1
11.3	1. 329	8.50-1
11.4		8. 50-1
11.5	1.303	8. 50-1 8. 50-1
11.7	1.376	8, 50-1
11.8	1. 353 1. 365 1. 376 1. 388	8, 50-1
11.9 12.0	1.400 1.412	8, 50-1 8, 50-1
12.1	1. 424	8.50-1
12.2	1.435	8. 50-1
12.3 12.4	1.447 1.459	8. 50-1 8. 50-1
12.5	1.471 i	8.50-1
12.6	1.482	8. 50-1
12.7. 12.8	1.494 1.506	8. 50-1 8. 50-1
12.9	1.517	8, 50-1
13.0 13.1	1.530	8, 50-1 8, 50-1
13.1 13.2	1. 541 1. 553	8. 50-1 8. 50-1
13.3	1, 565	8. 50-1
13.4	1.576 1.588	8. 50-1 8. 50-1
13.6	1.600	8. 50-1
13.7	1.612	8. 50-1
13.8 13.9	1, 624 1, 635	8. 50-1 8. 50-1
14.0	1.647	8. 50-1
14.1	1.659	8. 50-1
14.2 14.3	$1.671 \\ 1.682$	8. 50-1 8. 50-1
14.4	1.694	8. 50-1
14.5	1.705	8. 50-1
14.6 14.7	1. 694 1. 705 1. 718 1. 729 1. 741	8. 50-1 8. 50-1
14.8	1.741	8.50-1
14.9	1.755 [8. 50-1
15.0 15.1	1.765 1.776	8. 50-1 8. 50-1
15 0	1.776 1.788	8. 50-1
15.3	1.800	8, 50-1 8, 50-1
15.5	1.812 1.824	8. 50-1 8. 50-1
15.3 15.4 15.5 15.6 or more		8. 50-1

§ 51.1178 Method of juice extraction.

The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer or by hand, and shall be strained through a double thickness of cheese cloth of sufficiently fine mesh to prevent the passage through it of juice cells, pulp or seeds.

Dated: July 8, 1960.

F. R. Burke,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-6485; Filed, July 12, 1960; 8:51 a.m.]

[7 CFR Part 5]]

UNITED STATES STANDARDS FOR GRADES OF FLORIDA TANGE-RINES ¹

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Florida Tangerines (7 CFR §§ 51.1810 to 51.1836) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed changes are designed to make the standards more applicable to current marketing practices. Following are the important changes proposed:

(1) In the U.S. No. 1 grade a new definition of "fairly well colored" increases the amount of green color permitted and requires the remainder of the surface to have yellow or better ground color with some tangerine blush; and,

(2) The Application of Tolerances would be changed to permit any package which contains 10 pounds or less to have four times the tolerance for defects and at least two defective fruits would be permitted provided that the lot averages within the tolerance.

A number of changes in definitions and phraseology are also proposed in the interest of clarity.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than August 1, 1960.

The proposed standards, as revised, are as follows:

GRADES

51.1810	U.S. Fancy.
51.1811	U.S. No. 1.
51.1812	U.S. No. 1 Bronze.
51.1813	U.S. No. 1 Russet.
51.1814	U.S. No. 2.
51.1815	U.S. No. 2 Russet.
51.1816	U.S. No. 3.

Sec

UNCLASSIFTED

51.1817 Unclassified.

TOLERANCES

51.1818 Tolerances.

APPLICATION OF TOLERANCES

51.1819 Application of tolerances.

STANDARD PACK

51.1820 Standard pack.

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

DEFINITIONS

51.1821	Mature.
51.1822	Firm.
51.1823	Well formed.
51.1824	Damage.
51.1825	Highly colored.
51.1826	Discoloration.
51.1827	Fairly well colored.
51.1828	Bronzed russeting.
51.1829	Fairly firm.
51.1830	Fairly well formed.
51.1831	Serious damage.
51.1832	Reasonably well colored
51.1833	Very serious damage.

Sec.

AUTHORITY: §§ 51.1810 to 51.1834 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

GRADES

§ 51.1810 U.S. Fancy.

51.1834 Diameter.

"U.S. Fancy" consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be highly colored.

(b) In this grade not more than onetenth of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1818.)

§ 51.1811 U.S. No. 1.

"U.S. No. 1" consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be fairly well colored.

(b) In this grade not more than onethird of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1818.)

§ 51.1812 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with bronzed russeting: Provided, That no discoloration that ex-

ceeds the amount allowed in the U.S. No. 1 grade shall be permitted unless such discoloration is caused by thrip, wind scars, or rust mite. (See § 51.1818.)

§ 51.1813 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except for discoloration. In this grade at least 75. percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected by discoloration. (See § 51.1818.)

§ 51.1814 U.S. No. 2.

"U.S. No. 2" consists of tangerines which are mature, fairly firm, and fairly well formed, and which are free from soft bruises, bird pecks, unhealed skinbreaks, and decay, and free from serious damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other

- (a) Each fruit in this grade shall be reasonably well colored.
- (b) In this grade not more than twothirds of the fruit surface, in the aggregate, may be affected with light brown discoloration, or may have the equivalent of this amount in appearance when the fruit has lighter or darker shades of discoloration. (See § 51.1818.)

§ 51.1815 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected by light brown discoloration. (See § 51.1818.)

§ 51.1816 U.S. No. 3.

"U.S. No. 3" consists of tangerines which are mature, not flabby and not seriously lumpy, and which are free from unhealed bird pecks, unhealed skinbreaks, and decay, and free from very serious damage caused by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means. (See § 51.1818.)

UNCLASSIFIED

§ 51.1817 Unclassified.

"Unclassified" consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the

TOLERANCES

§ 51.1818 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) U.S. Fancy, U.S. No. 1, U.S. No. 1 Bronze, U.S. No. 1 Russet, U.S. No. 2 and U.S. No. 2 Russet grades. 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration, but not more than onehalf of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than onetwentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

(b) U.S. No. 3 grade. 15 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifteenth of the tolerance, or 1 percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

APPLICATION OF TOLERANCES

§ 51.1819 Application of tolerances.

The contents of individual packages are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified for the grade.

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less shall have not more than four times the tolerance specified, except that at least two defective fruits may be permitted: Provided. That not more than one decayed or very seriously damaged fruit shall be allowed in any package.

STANDARD PACK

§ 51.1820 Standard pack.

The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size", as, for example, "210's", or "210 size". Containers which are not so marked shall not be regarded as meeting requirements of "standard pack".

(a) Fruit in each container shall be of a size not less than the minimum diameters specified in Table 1 for the various packs. Packs other than those listed shall have a minimum diameter not less than that specified for the nearest count.

TABLE I

Diameter		in
Pack:	inches (minin	
120		21/16
		2846
176		2616
. 210		24/10
		2346
294		2

(b) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruits in any lot may be below the minimum size for the count as specified in Table I.

DEFINITIONS

§ 51.1821 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (Ch. 26492, Laws of Florida, 1951) or as the definition of such term may hereafter be amended.

§ 51.1822 Firm.

"Firm" means that the flesh is not soft and the fruit is not badly puffy and that the skin has not become materially separated from the flesh of the tangerine.

§ 51.1823 Well formed.

"Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1824 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as damage:

(a) Ammoniation when it is not specktype similar to melanose, provided that no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade;

(b) Creasing when it materially detracts from the appearance or shipping

quality of the fruit;

(c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occuring in any portion of the fruit:

(d) Green spots or oil spots when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting when materially detracting from the appearance or shipping quality of the individual fruit:

- (f) Scale when occuring as a blotch and the aggregate area exceeds the area of a circle three-eighths inch in diameter, or any scale that detracts from the appearance of the individual fruit to a greater extent than the area permitted for a blotch. "Blotch!" refers to actual scale and not the discolored area caused by scale.
- (g) Sprayburn when causing the skin to become hard or when it materially detracts from the appearance of the fruit:
- (h) Sunburn when causing the skin to become hard or when it materially detracts from the appearance of the fruit:
- (i) Unsightly discoloration when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance;
- (j) Buckskin when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;
- (k) Melanose when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U.S. 1 grade is not permitted in the U.S. No 1 Bronze grade:
- (1) Scars when not smooth, or when causing any noticeable depression, or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade; and.
- (m) Scab when not smooth, or when it affects shape, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U.S. No. 1 grade is not permitted in the U.S. No. 1 Bronze grade.

§ 51.1825 Highly colored.

"Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1826 Discoloration.

"Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration. and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area: Provided, That no discoloration may detract from the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, wind scars, or by rust mite shall not be permitted in the U.S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U.S. No. 1 grade. (§ 51.1828.)

§ 51.1827 Fairly well colored.

"Fairly well colored" means that the surface of the fruit may have green color which does not exceed the aggregate area

of a circle 1% inches in diameter and that the remainder of the surface has a yellow or better ground color with some portion of the surface showing reddish tangerine blush.

§ 51.1828 Bronzed russeting.

"Bronzed russeting" means russeting caused by thrip, wind scars, or by rust mite, or similar russeting which is not readily distinguishable from that caused by rust mite. Discoloration caused by melanose, scab, etc., are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U.S. No. I grade and are not permitted in the U.S. No. 1 Bronze grade.

§ 51.1829 Fairly firm.

"Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1830 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1831 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

- (a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle one-half inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1 inch in diameter;
- (b) Creasing when it causes the skin to be seriously weakened;
- (c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;
- (d) Green spots or oil spots when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;
- (e) Pitting when seriously detracting from the appearance or shipping quality of the fruit:
- (f) Scale when occurring as a blotch and the aggregate area exceeds the area of a circle one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discoloration caused by scale;
- (g) Sprayburn when it has caused the skin to become hard, or when it seriously detracts from the appearance of the fruit;
- (h) Sunburn when it has caused the skin to become hard or when it seriously

detracts from the appearance of the fruit:

- (i) Unsightly discoloration when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance;
- (j) Buckskin when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;
- (k) Melanose when badly caked and the aggregate area exceeds the area of a circle one-half inch in diameter, or when lightly caked and the aggregate area exceeds the area of a circle 1 inch in diameter, or when unsightly, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;
- (1) Scars when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U.S. No. 2 or U.S. No. 2 Russet grades; and,

(m) Scab when not fairly smooth or when it materially detracts from the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

§ 51.1832 Reasonably well colored.

"Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1833 Very serious damage.

"Very serious damage" means any specific defect described in this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

- (a) Ammoniation when scars are badly cracked, or when dark and the aggregate area exceeds the area of a circle 1 inch in diameter, or when light colored and it detracts from the appearance of the fruit to a greater extent than the area permitted for dark ammoniation;
- (b) Creasing when causing the skin to be seriously weakened;
- (c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;
- (d) Pitting when it very seriously detracts from the appearance or the shipping quality of the fruit;
- (e) Scale when it very seriously detracts from the appearance of the fruit;
- (f) Sprayburn when it very seriously detracts from the appearance of the fruit:
- (g) Sunburn when it very seriously detracts from the appearance of the fruit;

(h) Unsightly discoloration when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance;

(i) Melanose when caked to the extent that the appearance of the fruit is very

seriously affected;

(j) Scars when so deep, rough, or unsightly that the appearance of the fruit is very seriously injured; and,

(k) Scab when it causes the fruit to be very seriously injured.

§ 51.1834 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

Dated: July 8, 1960.

F. R. BURKE, Acting Deputy Administrator, Marketina Services.

[F.R. Doc. 60-6486; Filed, July 12, 1960; 8:51 a.m.1

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 60-WA-176]

RESTRICTED AREAS Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.43 of the regulations of the Administrator, the substance of which is stated below.

The Wilmington, Ohio, Restricted Area (R-109), is an area of 2,383 square miles located southeast of Dayton and southwest of Columbus, Ohio. Time of use is designated as continuous, and the designated altitude extends from the surface to unlimited. It is designated for the purpose of intensive instrument and experimental training, although actual operations therein consist primarily of research and development flight tests. The Federal Aviation Agency has under consideration modification of the boundary of Restricted Area R-109 as follows: Beginning at latitude 39°30'00" N., longitude 83°02'00" W.; thence to latitude 38°48'30" N., longitude 83°02'00" W.; thence to latitude 38°58'30" N., longi-

tude 84°05'00" W.; thence to latitude 39°15'45" N., longitude 84°05'00" W.; thence to latitude 39°30'00" N., longitude 83°47'00" W.; thence to point of beginning. This area would be divided by a line from west to east extending from latitude 39°12'30'' N., longitude 84°05'00" W.; to latitude 39°08'20" N., longitude 83°02'00" W. The area south of this line would be designated as Restricted Area R-109 and would extend from the surface to Flight Level 600 during the period from 0800 to 2200 EST. Monday through Saturday. The area would encompass 1,098 square miles. The area north of this line would be designated as Restricted Area R-109A and would extend from 3,000 feet MSL to Flight Level 600 during the period from 0800 to 2200 EST, Monday through Saturday. The area would encompass 1,140 square miles. This reduction in size and modification of configuration of the Wilmington, Ohio, Restricted Area (R-109) is the result of a review of the requirements of Wright Air Development Center and other users of the airspace in the Dayton/Columbus/Wilmington area. It would result in a reduction of 145 square miles of reserved airspace and a reduction of approximately 58% in the time of use of the present restricted area. This would provide adequate protection for aircraft conducting flight test activities for Wright Air Development Center, Dayton, Ohio, and would furnish maximum availability of the area for use by other aircraft.

If these actions are taken, the Wilmington, Ohio, Restricted Areas (R-109) and (R-109A) would be designated as follows:

1. Wilmington, Ohio, Restricted Area (R-109) (Huntington Chart)

Description by geographical coordinates. Beginning at latitude 39°08' 20" N., longitude 83°02′00″ W., thence to latitude 38°-48′30″ N., longitude 83°02′00″ W., thence to latitude 38°58′30″ N., longitude 84°05′00″ W., thence to latitude 39°12′30″ N., longitude 84°05'00" W., thence to the point of beginning.

Designated altitudes. Surface to Flight Level 600.

Time of aesignation.

Monday through Saturday.

Monday through Saturday.

Federal Time of designation. 0800 to 2200 EST,

Controlling agency. Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center.

2. Wilmington, Ohio, Restricted Area (R-109A) (Huntington Chart)

Description by geographical coordinates. Beginning at latitude 39°30'00" N., longi-

tude 83°02'00" W., thence to latitude 39°-08'20" N., longitude 83°02'00" W., thence to latitude 39°12'30" N., longitude 84°05'00" W., thence to latitude 39°15'45" N., longitude 84°05'00" W., thence to latitude 39°30'-00" N., longitude 83°47'00" W., thence to the point of beginning.

Designated altitudes. 3,000 feet MSL to

Flight Level 600.

Time of designation. 0800 to 2200 EST, Monday through Saturday.

Gontrolling agency. Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief. or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arpresented guments during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749. 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 7. 1960.

CHARLES W. CARMODY, Chief, Airspace Utilization Division.

[F.R. Doc. 60-6440; Filed, July 12, 1960; 8:45 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 346]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 8, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63250. By order of June 29, 1960, the Transfer Board approved the transfer to Nelson's Express, Inc., Millersburg, Pa., of Certificate in No. MC 76449, issued November 4, 1940, to George W. Nelson, doing business as Nelson's Express, Millersburg, Pa., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, between Harrisburg, Pa., and Orwin, Pa.: service is authorized to and from the intermediate points of Millersburg, Muir, and Halifax, Pa., and those between Millersburg and Orwin. Allan Shaffer, 108 Market Street, Harrisburg, Pa., for applicants.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-6466; Filed, July 12, 1960; 8:48 a.m.]

[MC-C-3024]

NATIONAL AUTOMOBILE TRANSPORTERS ASSN.

Petition for Declaratory Order

JULY 8, 1960.

Petition for declaratory order under section 5(d) of Administrative Procedure Act.

Petitioner: National Automobile Transporters Association, Suite 208, 1000 Connecticut Avenue, NW., Washington 6, D.C. and 2356 First National Building, Detroit 26, Mich. Petitioner's attorneys: Carney D. Matheson, George S. Dixon, and Walter N. Bieneman, 2150 Guardian Building, Detroit 26, Mich.

By petition dated June 27, 1960, petitioner states that it is a voluntary association of motor carriers, both common and contract, engaged under appropriate grants of authority by this Commission,

in interstate or foreign commerce, in the transportation of motor vehicle traffic, namely, passenger automobiles, commercial vehicles and closely related wheeled commodities, throughout the Conti-nental United States. Petitioner states that from the inception of Commission regulation of the motor carrier industry under Part II of the Act, all grants of authority covering the transportation of motor vehicle traffic, with but few exceptions, have contained restrictive or qualifying language limiting the authorized motor carrier service to "initial movements" or "secondary movements." "subsequent movements," or both "initial and secondary or subsequent movements." The meaning of "initial movements" and "secondary or subsequent movements" is defined and explained in Administrative Ruling No. 75 issued July 15, 1938.

This petitioner seeks a ruling as to whether a motor carrier holding initial authority only from A to D may transport the said traffic to B, a non-service point intermediate to D, there load it on a rail flat car, for handling in trailer-on-flat-car or "piggy-back" service to C, another non-service point intermediate to D, where it would take possession of the shipment and move it to destination, without first obtaining specific authority either to serve B and C or to operate from C to D.

Petitioner prays that an order may be entered by the Commission: (a) Accepting this petition for filing; (b) ordering an investigation of this subject matter; (c) providing an opportunity for all interested parties to express their views and present evidence at an oral hearing; (d) providing for the issuance of a declaratory order interpreting Administrative Ruling 75 and the grants of authority issued pursuant thereto in conformity with the views of this Association; and (e) granting such other and further relief as may be deemed necessary or proper.

The above-entitled petition has been referred to Examiner William R. Tyers for hearing on the 27th day of July A.D. 1960, at 8:30 o'clock a.m. United States standard time, 9:30 o'clock a.m. District of Columbia daylight saving time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

By the Commission.

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-6467; Filed, July 12, 1960; 8:49 a.m.]

[No. MC-C-2972]

ROCK ISLAND MOTOR TRANSIT CO. ET AL.

Petition for Declaratory Order

JULY 8, 1960.

Petition for a declaratory order for the determination of respondent's oper-

ating authority pursuant to the provisions of section 204, Interstate Commerce Act, part II.

Petitioners: The Rock Island Motor Transit Co., Des Moines, Iowa, and U. J. Haas and Cyrll H. Wissel, doing business as H & W Motor Express Company, Dubuque, Iowa, and Burlington Truck Lines, Inc., Chicago, Ill. vs. Respondent: Watson Brothers Transportation Co., Inc., Omaha, Nebr. Petitioners attorneys: D. C. Nolan, 405 Iowa State Bank Building, Iowa City, Iowa, and James M. Adams, 796 South Pearl Street, Galesburg, Ill., and A. B. Howland and J. H. Martin, 500 Bankers Truck Building, Des Moines, Iowa.

By petition filed April 11, 1960, petitioners aver: Respondent, Watson Brothers Transportation Co., Inc., is now and has been, for sometime past, the exact length of time thereof these petitioners do not have exact knowledge, engaged in the transporting of general commodities between such Iowa points as Davenport, Bettendorf, and Riverdale, on the one hand, and Iowa City, Newton, Des Moines, Council Bluffs, and Sioux City, on the other, and between Sioux City, on the one hand, and Des Moines, Newton, Iowa City, Davenport, and Bettendorf, on the other; and between Council Bluffs on the one hand, and, Atlantic, Des Moines, Newton, Iowa City, Davenport, and Bettendorf, on the other, without having had issued to it certificates of authority by the Iowa State Commerce Commission for the performance of such interstate operations. These Petitioners are informed and believe and therefore allege the fact to be that said respondent, in the conducting of the aforesaid intrastate operations, between said Iowa points, have attempted a simulated interstate operation by either transporting such traffic from the aforesaid Iowa points across either the state line at Moline or Rock Island, Ill., or at Omaha, Nebr., and then carrying such traffic and freight back across the said state line into Iowa to the aforesaid Iowa points and places, or by billing such traffic via Rock Island or Moline. III., or Omaha, Nebr., in lieu of physically transporting the same in and out of the States of Illinois or Nebraska. Petitioners pray:

- 1. That the Interstate Commerce Commission find and determine, after notice and hearing, that the motor carrier operations being conducted by the Respondent between the points and places in Iowa, as set forth above, are not bona fide and are a subterfuge to escape the jurisdiction of the State of Iowa and the Iowa State Commerce Commission;
- 2. That the Commission find that the simulated interstate operations being conducted by the Respondent between the points and places in Iowa as set forth above are a wrongful use and an abuse of Respondent's Interstate Certificates;
- 3. That the Commission find that the Interstate Operating Certificates held by Respondent were not contemplated to

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nor do they authorize it to conduct the aforesaid operations between points solely within the State of Iowa by either moving said traffic over and back across the State line between Iowa and Illinois or between Iowa and Nebraska, or by billing the same from a point outside the State of Iowa;

4. That the Respondent be Ordered and Directed by the Commission to cease and desist from conducting the above-described operations solely within the State of Iowa and that upon failure of said Respondent to desist from such operations that its Interstate Certificates be cancelled, and for such other and further orders as may be found necessary in the premises. Any person or persons desiring to participate in this proceeding, may, within 30 days from the publication of this notice in the FEDERAL REGISTER, file an appropriate pleading.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-6468; Filed, July 12, 1960; 8:49 a.m.]

[Notice 331]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

July 8, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

Applications Assigned for Oral Hearing or Pre-Hearing Conference

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 357), filed June 6, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, except those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Elba, Ala., to points in Alaska, Arizona, California, Idaho, Montana, New Mexico, Oregon, Nevada, Washington, and Wyoming.

HEARING: September 23, 1960, at the Hotel Thomas Jefferson, Eirmingham, Ala., before Examiner Donald R. Sutherland.

No. MC 4761 (Sub No. 16), filed March 18, 1960. Applicant: LOCK CITY TRANSPORTATION COMPANY (a Corporation), 327 Sixth Avenue, Menominee, Mich. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: Sulphur Dioxide, in bulk, in tank vehicles, from Marinette, Wis., to Alpine (Talladega County), Ala., and Claremore, Okla.

HEARING: September 23, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 8989 (Sub No. 192) filed May 19, 1960. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Automobiles, trucks and buses, as described in Ex Parte No. MC 45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in truckaway and driveaway service, from Bloomington, Ill., to points in the United States, including points in Alaska and Hawaii, and damaged or rejected shipments of the above-described commodities, on return.

Note: Applicant states power generating units and power generating recharger accompanying vehicles in a shipment for use with such vehicles.

HEARING: September 26, 1960, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 10115 (Sub No. 7), filed May 16, 1960. Applicant: CALVIN D. ZIM-MERMAN, Mifflin, Pa. Applicant's attorney: John A. R. Welsh., Mifflintown, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bulk crude clay, in dump trailers, between Clearfield, Pa., and points within a twenty-five (25) miles radius thereof, and the plant site of American Vitrified Products Company, located at or near Flagtown, Somerset County, N.J.

HEARING: September 22, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 19105 (Sub No. 14) filed May 12, 1960. Applicant: FORBES TRANS-FER COMPANY, INC., South Goldsboro Street Extension, P.O. Box 346, Wilson, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, packinghouse products, and commodities used by packing houses as described in Appendix I to descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 272-273, as amended at 61 M.C.C. 766, 767, between Wilson, N.C., and points within five miles thereof on the one hand, and, on the other, points in Virginia, the District of Columbia, Maryland, Delaware, New Jersey, Connecticut, New York, Pennsylvania, Massachusetts, and Rhode Island.

HEARING: October 4, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 19201 (Sub No. 118), filed June 22, 1960. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main

Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Flour, in bulk, in pneumatically equipped hoppertype vehicles, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey, and points in Pike, Wayne, Lackawanna, Luzerne, Columbia, Montour, Northumberland, Schuylkill, Northampton, Berks, Bucks, Montgomery, Delaware, Chester, Lancaster, York, Lebanon, Dauphin, Cumberland, Perry, Adams, Carbon, Monroe, Lehigh, and Philadelphia Counties, Pa., and points in Dorchester, Talbot, Caroline, Queen Annes, Kent, Cecil, Harford, Baltimore, Carroll, Howard and Anne Arundel Counties. Md. RESTRICTION: The service to be performed by applicant shall be limited to shipments having a prior or subsequent movement by rail.

Note: Applicant holds contract carrier authority in Permit No. MC 118779 and Substhereunder. Applicant indicates it is controlled by the Pennsylvania Railroad Company. Dual operations and common control may be involved.

HEARING: September 14, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 31600 (Sub No. 479), filed June 28, 1960. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic granules, dry, in bulk, in tank or hopper type vehicles, from Ledyard, Conn., to Roanoke, Va., and rejected shipments, on return.

HEARING: September 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 41255 (Sub No. 33), filed May 9, 1960. Applicant: GRUBB MOTOR LINES, INC., P.O. Drawer 567, Lexington, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, crated and uncrated, as defined by the Commission, from points in Davidson County, N.C., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, and rejected shipments of new furniture, on return

HEARING: October 3, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 43442 (Sub No. 14), filed June 23, 1960. Applicant: TRANSPORTATION SERVICE, INC., 1946 Bagley Avenue, Detroit 16, Mich. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the

those requiring special equipment, serving the site of the General Electric Co., from Zanesville, Ohio, over U.S. Highway 40 to junction of U.S. Highway 40 and County Road 55, thence north on County Road 55 to the plant site of the General Electric Co., as an off-route point in connection with applicant's existing operation between Zanesville, Ohio, and Michigan points.

HEARING: September 12, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Roger N. Fortier.

No. MC 46465 (Sub No. 1), filed June 1, 1960. Applicant: CHARLES BRADY, doing business as BRADY's FAST SERV-ICE, 2215 Amber Street, Philadelphia 25, Pa. Applicant's Representative: Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa. Authority sought to operate as a common carrier, by motor vehicle, over frregular routes, transporting: Burlap and burlap bags, and bags made of burlap and cotton combined, and materials used in the manufacture of such bags, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Newark, Jersey City, Perth Amboy, Carteret, Linden, and Elizabeth, N.J., Baltimore, Md., and Wilmington,

HEARING: September 13, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles J. Murphy.

No. MC 52657 (Sub No. 591), filed June 9, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: A. Automobiles, trucks, and buses, as described in Ex Parte No. MC 45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 765, in truckaway and driveaway service, from Bloomington, III., to all points in the United States, including Alaska and Hawaii, and, the return of damaged or rejected shipments, from all points in the United States, including Alaska and Hawaii to Bloomington, Ill. B. Power generating units and power generating recharger units when accompanying vehicles in a shipment for use with such vehicles, between Bloomington, Ill., and all points in the United States, including Alaska and Hawaii

HEARING: September 26, 1960, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 55811 (Sub No. 64), filed May 6, 1960. Applicant: CRAIG TRUCKING. INC., Albany, Ind. Applicant's attorney: Howell Ellis, 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass, glassware, products made of glass or of which glass is a major component part, caps, and other closures, paper, paper products, plastics, plastic products, fibreboard boxes, rubber jar rings, soda ash. zinc dry buttery shells, stripped zinc,

Commission, commodities in bulk, and and any products, materials, supplies and equipment that are shipped or received by above manufacturers, or as are used or useful in the manufacture, packing, shipping, receiving and sale of the above products, between points in Illinois, Indiana, Kentucky, the Lower Peninsula of Michigan, Ohio, those in Iowa within ten (10) miles of the Iowa-Illinois State line, those in Missouri within ten (10) miles of the Missouri-Illinois State line, including points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, those in West Virginia within ten (10) miles of the West Virginia-Ohio State line, including points in Hancock, Brooke, and Marshall Counties, W. Va., and those in Pennsylvania on and west of U.S. Highway 219.

> Note: Any duplication with present authority to be eliminated.

> HEARING: October 3, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

> No. MC 56213 (Sub No. 7), filed May 11, 1960. Applicant: WILLIAM H. BRILLHART, doing business as H & B TRUCKING COMPANY, Codorus, Pa. Applicant's Attorney: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, from Spring Grove, Pa., to points in Ohio, Indiana, Illinois, and those in the lower Peninsula of Michigan, and refused, rejected or damaged shipments on return.

> Note: Applicant states, duplicating authority is to be cancelled.

> HEARING: September 21, 1960, at the Pennsylvania Public Utility Commission. Harrisburg, Pa., before Examiner Charles J. Murphy.

> No. MC 68502 (Sub No. 5), filed June 13, 1960. Applicant: CLIFFORD L. OBERST, Conyngham, Pa. Applicant's Representative: John W. Frame, 602 North Front Street, Harrisburg, Pa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Bakery products, ingredients of bakery products, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return, between West Hazleton, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, and Virginia. RESTRICTION: The operations authorized herein are limited to transportation service to be performed, under a continuing contract. or contracts, with Spaulding Bakeries, Inc., of West Hazleton, Pa.

> HEARING: September 26, 1960, at the Pennsylvania Public Utility Commission. Harrisburg, Pa., before Examiner Charles J. Murphy.

> No. MC 69116 (Sub No. 54), filed June 27, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, III. Applicant's attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over a regular

route, transporting: General commodities, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio and junction U.S. Highways 21 and 224, over U.S. Highway 21, serving no intermediate points, but serving the site of a terminal proposed to be constructed by applicant at or near junction U.S. Highway 21 and the Ohio Turnpike as an off-route point, and also serving, for the purpose of joinder only, (a) junction U.S. Highway 21 and the Ohio Turnpike; (b) junction U.S. Highway 21 and Ohio Highway 18, and (c) junction U.S. Highways 21 and 224.

Note: Applicant states it has acquired real estate at or near the junction of U.S. Highway 21 and the Ohio Turnpike, upon which it will construct a truck terminal. Authority is sought herein so as to enable applicant to utilize said terminal for the following purposes: (1) Interchange traffic with other motor carriers; (2) Break bulk on traffic moving to and from its presently authorized points, and (3) Perform pick-up and delivery service in the Cleveland Commercial Zone in connection with the movement of traffic to and from its presently authorized points.

HEARING: September 16, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Roger N. Fortier.

No. MC 69389 (Sub No. 1), filed May 18, 1960. Applicant: WARREN F. CAR-BAUGH. doing business as FRITZ TRANSFER COMPANY, 434 Main Street, McSherrystown, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value. Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hanover Borough and Penn Township, Pa., and Baltimore, Md.: (1) from Hanover Borough and Penn Township over Pennsylvania Highway 194 to Littlestown, Pa., and thence over U.S. Highway 140 to Baltimore, and return over the same route, serving all intermediate points, and (2) from Hanover Borough and Penn Township over Pennsylvania Highway 94 to the Pennsylvania-Maryland State line, thence over Maryland Highway 30 to Reisterstown. Md., and thence over U.S. Highway 140 to Baltimore, and return over the same route, serving all intermediate points.

HEARING: September 27, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner

Charles J. Murphy.

No. MC 74367 (Sub-No. 6) filed May 26, 1960. Applicant: BILLY PALMA WRIGHT, doing business as Wright Motor Lines, 24 Pisgah View Avenue, Asheville, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Hardware, plumbing supplies and building materials, from points in the New York, N.Y., Commercial Zone, as defined in New York, N.Y., Commercial Zone 1 M.C.C. 65, Baltimore and Sparrows Foint, Md., Cincinnati, Dover, and Cleveland, Ohio, Uniontown, Johnstown, Elwood City, Philadelphia, Ambler, and Monaca, Pa., Barba, Newark, Camden, Metuchen, and Millington, N.J., Edgemore, Del., Atlanta, Ga., Anniston, Ala., and Alcoa, Tenn., to Sparta, Asheville, Durham, Winston-Salem, Asheboro, Greensboro, Charlotte, Hickory, Marion, Raleigh, Hazelwood, Sanford, Rocky Mount, and Statesville, N.C., and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application on return.

HEARING: October 5, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 76177 (Sub No. 278), filed June Applicant: BAGGETT 1960. TRANSPORTATION COMPANY, a Corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Explosives, defined as Classes A, B, and C explosives, and blasting supplies, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, between East Alton, Ill., and points within two (2) miles thereof, and points in Connecticut.

Note: Common control may be involved.

HEARING: September 14, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 76177 (Sub No. 279), filed June 17, 1960. Applicant: BAGGETT TRANSPORTATION COMPANY, a Corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Classes A, B, and C explosives, blasting supplies, ingredients, and component parts, ammonium nitrate, nitro-carbonitrate, and containers therefor, between Springville, Utah, and points within fifteen (15) miles thereof, on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Arkansas, and Louisiana.

Note: Common control may be involved.

HEARING: September 14, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 79700 (Sub No. 1), filed May 26, 1960. Applicant: RUSSELL A. KARCHNER, Box 20, Sybertsville, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: Groceries and such merchandise as is dealt in by

wholesale, retail, and chain grocery and food business houses, excluding commodities in bulk, in tank-type vehicles, from points in Maryland, New Jersey, and New York, to Berwick, Danville, and Hazleton, Pa., and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, on return.

Note: Applicant states that the proposed operation will be conducted under a continuous or continuing contract with the Royal Swan Foods, Inc. Duplicating authority to be eliminated.

HEARING: September 21, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 94265 (Sub-No. 73) filed May 11, 1960. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen Foods, from Chicago, Ill., to points in Maryland, North Carolina, Virginia, and the District of Columbia.

HEARING: September 20, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 95473 (Sub No. 11), filed June 22, 1960. Applicant: H. A. DAUB, INC., Reinerton, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal, in bulk, from Trevorton Colliery, Treverton, Northumberland County, Pa., to points in Bronx County, N.Y.

HEARING: September 15, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 95540 (Sub No. 332), filed May 13, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen Foods and Prepared Dough, Frozen or Unfrozen, from points in Georgia, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 26, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 95627 (Sub No. 28), filed June 22, 1960. Applicant: NELMS MOTOR LINES, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, 919 18th Street NW., Suite 226, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, foods and food products requiring temperature control in transit, from Norfolk, Richmond, Smithfield, Roanoke, and Suffolk, Va., and

Landover, Md., to points in Georgia, North Carolina, Virginia, and Louisiana.

HEARING: September 15, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 95627 (Sub No. 29), filed June 22, 1960. Applicant: NELMS MOTOR LINES, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, 919 18th Street NW., Suite 226, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Tea, tea dust, and advertising material, between Norfolk and Suffolk, Va. and points in Alabama, Arkansas, Florida, Illinois, Indiana, Michigan, Mississippi, Louisiana, New York (except the New York, N.Y., Commercial Zone), Ohio, Pennsylvania (except Philadelphia, Pa., Commercial Zone), Tennessee, and West Virginia.

HEARING: September 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 103378 (Sub-No. 186), filed June 13, 1960. Applicant: PETRO-LEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid Animal Tallow, Fats, Oils, Greases and Blends thereof, in bulk, in tank vehicles, from points in Alabama, Florida, Georgia, and South Caro-

lina to points in Chatham County, Ga. HEARING: September 30, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 103993 (Sub No. 135), filed April 11, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Boats, not exceeding 20 feet in length, from points in Indiana, to points in the United States, including Alaska.

HEARING: September 26, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 105461 (Sub No. 25), filed June 28, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, namely, boards or sheets (not wall board or insulating board) made from wood shavings, sawdust or ground wood, with added liquid resin binder not to exceed 10 percent by weight, compressed flat, not filtered, oiled, polished, waxed, painted, stained, lacquered or varnished, from Goffstown, N.H., to points in Lancaster, Cumberland, Lehigh, Schuylkill, Berks, Dauphin, Luzerne, Montgomery, Northamption, Columbia, Bucks, Carbon, Chester, Lebanon, and York Counties, Pa., and points in Burlington, Camden, Gloucester, and Mercer Counties, N.J.

Note: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a contract or common carrier in No. MC 105461 Sub No. 19. Applicant also has contract carrier authority under No. MC 68807 and Subs thereunder. Application was accompanied by a Motion to Dismiss.

HEARING: July 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold W. Angle.

No. MC 105713 (Sub No. 3), filed June 30, 1960. Applicant: SERVICE TRUCK LINE OF TEXAS, INC., P.O. Box 811, Jennings, La. Applicant's attorney: Charles D. Mathews, P.O. Box 858, Austin 65. Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Machinery, equipment, materials and supplies, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas and petroleum, and their products and by-products, between points in Texas, and Louisiana.

Note: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

PRE-HEARING CONFERENCE: August 3, 1960, at the Baker Hotel, Dallas, Texas, before Examiner James C. Cheseldine. At the pre-hearing conference it is contemplated that the matters to be discussed will be those set forth in the previous publication of the Federal Register under date of July 7, 1960, at page 6393.

No. MC 106714 (Sub No. 9), filed December 30, 1959. Applicant: JOHN E. HIGGINS AND JOHN B. HIGGINS, doing business as HIGGINS TRANS-PORTATION, 865 East Kinder Street, Richland Center, Wis. Applicant's attorney: Claude J. Jasper, 616-617 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Feed, in bags and in bulk, from Hammond, Ind., and Cedar Rapids, Iowa to points in Wisconsin located on and south of U.S. Highway 8 from the Michigan State line just south of Norway, Mich., to St. Croix. Falls, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Minnesota, and Wisconsin.

HEARING: September 23, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 107107 (Sub No. 153), filed June 29, 1960. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr.,

522 Transportation Building, Washingston 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting Facing and flooring tile, towel bars, soap dishes, tooth brush and paper holders, and grab bars, from Wheeling, W. Va., to points in Florida.

HEARING: September 20, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 107515 (Sub No. 353), filed May 13, 1960. Applicant: REFRIGER-ATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, packing-house products, and commodities used by packing houses, as defined by the Commission in Ex Parte No. MC-45, from Burris, Tex., to points in Alabama, Georgia, Tennessee (except Memphis), North Carolina, South Carolina, and Florida.

Note: Dual operations under section 210 and common control may be involved.

HEARING: September 29, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 109385 (Sub No. 30), filed April 18, 1960. Applicant: SUBLER TRANSFER, INC., East Main Street, Box 5, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: Carpets and carpeting, from Worcester and Framingham, Mass., to (a) Pittsburgh, Pa., (b) Detroit, Mich., (c) Cleveland, Columbus, and Cincinnati, Ohio, (d) Indianapolis, Ind., and (e) St. Louis, Mo.

Note: A proceeding has been instituted under section 212(c) in No. MC 109385 (Sub No. 16) to determine whether applicant status is that of a common or contract carrier. Applicant also has a certificate under MC 117883 (BOR 1) and a pending common carrier application under MC 117883 (BOR 2)... Dual authority under section 210 may be involved.

HEARING: September 19, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Edith H. Cockrill.

No. MC 109875 (Sub-No. 4), filed June 20, 1960. Applicant: ELMER H. ROCK, Clay, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods and other foods and foodstuffs, requiring the use of mechanically refrigerated vehicles, (1) from Morgantown and Downingtown, Pa., to points in Maine, New Hampshire, Ver-Connecticut, Massachusetts. mont. Rhode Island, New York, east of U.S. Highway 11, Indiana, Illinois, West Virginia, Virginia, Maryland, Delaware, New Jersey, North Carolina, South Carolina, Kentucky, Wisconsin, and Missouri;

and (2) between Morgantown and Downingtown, Pa., on the one hand, and, on the other, points in Ohio, Michigan, and those points in New York on and west of U.S. Highway II.

HEARING: September 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 110420 (Sub No. 262), filed May 11, 1960. Applicant: QUALITY CAR-RIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Liquid adhesives, in bulk, in tank vehicles, from Chicago, Ill., to points in Pennsylvania and New Jersey. (2) Molasses, in bulk, in tank vehicles, from Lemont, Ill., and points within a radius of five miles thereof, to points in Indiana, Iowa, Michigan, Ohio, and Wisconsin. (3) Corn syrup, liquid sugar and blends or mixtures thereof, in bulk, in tank vehicles, from Chicago, Ill., to points in North Carolina. (4) Chocolate and chocolate coating, from Chicago, Ill., to points in South Dakota.

HEARING: September 22, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 110525 (Sub No. 415), filed April 28, 1960. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vehicles, between Fernald, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky, and rejected shipments on return.

Note: Applicant also has contract carrier authority under MC 117507 and pending contract carrier applications under MC 117507 Subs 1, 2, 3, and 4. Dual authority under section 210 may be involved.

HEARING: September 20, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Edith H. Cockrill.

No. MC 110878 (Sub No. 12), filed June 13, 1960. Applicant: GRADY ALBERTSON, doing business as ARGO TRUCK-ING COMPANY, Lower Heard Street, Elberton, Ga. Applicant's attorney: Guy H. Postell, 805 Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt and salt products, in bag containers, from Winfield, La., and points within 25 miles thereof, and points in Reno County, Kans. to points in South Carolina, North Carolina, and points in that part of Georgia on and north of U.S. Highway 80.

HEARING: September 30, 1960, at 680 West Peachtree Street, NW. Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 110969 (Sub No. 9), filed June 9, 1960. Applicant: W. L. BUTLER, doing business as W. L. BUTLER TRANSFER, Elizabethtown, N.C., Applicant's

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attorney: Edward G. Villalon, Perpetual Building, 1111 E. Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Boats, on trailers equipped with special racks, from points in North Carolina to points in New York, New Jersey, Maryland, Pennsylvania, the District of Columbia, Connecticut, Indiana, Massachusetts, Vermont, Ohio, West Virginia, Virginia, Kentucky, Tennessee, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida, and empty containers or other such incidental facilities used in transporting the above-described commodity on return.

HEARING: October 6, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner

Donald R. Sutherland.

No. MC 111002 (Sub No. 15), filed May 17, 1960. Applicant: CLARA MILES SCHREYER, FRANCES H. MILES AND THOMAS M. MILES, doing business as T. M. MILES OIL COMPANY, a Partnership, 306 Railroad Avenue, Milton, Pa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Potassium silicate, in bulk in a semi-tank trailer or trailers, specially built and owned by Sylvania Electric Products, Inc., from Towanda, Pa., to Joliet, Ill., and empty containers or other such incidental facilities used in transporting the abovedescribed commodity on return.

Note: Applicant holds common carrier authority in Permit No. MC 105351 and Subs thereunder. Dual operations under section 210 may be involved.

HEARING: September 26, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner

Charles J. Murphy.

No. MC 112298 (Sub No. 1), filed June 17, 1960. Applicant: RAY SALENTINE. doing business as RAY'S GARAGE, Route 3, Box 283, Hales Corners, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked, damaged, or disabled motor vehicles, when moved by tow-truck or wrecker equipment, and replacement motor vehicles or parts dispatched to relieve wrecked, damaged or disabled motor vehicles, when moved by tow-truck or wrecker equipment, between points in Wisconsin on and south of Wisconsin Highway 33, and Green Bay, Appleton, Neenah, Menasha, Oshkosh, and Fond du Lac, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Nebraska, Illinois, Michigan, Indiana, Ohio, and Pennsylvania.

HEARING: September 20, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice

No. MC 112815 (Sub No. 2) (CORREC-TION), filed May 5, 1960, published in the FEDERAL REGISTER, issue of June 29, 1960. Applicant: SARACCO TRUCK-ING CO., INC., 448 West Broadway, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. The subject

application published in the FEDERAL REGISTER at page 6037, issue of June 29, 1960, was erroneously assigned docket No. MC 119621 (Sub No. 1). The correct docket number assigned to the application is that shown above, No. MC 112815 (Sub No. 2).

HEARING: Remains as assigned September 14, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 112916 (Sub No. 2), filed June 17, 1960. Applicant: GEORGE R. DANNIES, doing business as GALENA TOWING SERVICE, 2465 West Galena Street, Milwaukee, Wis. Applicant's attorney: Edward Solie, 1 South Pinck-ney Street, Madison 3, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked, damaged, or disabled motor vehicles, when moved by tow-truck or wrecker equipment, and replacement motor vehicles or parts dispatched to relieve wrecked, damaged, or disabled motor vehicles, when moved by tow-truck or wrecker equipment, between points in Wisconsin on and south of Wisconsin Highway 33, and Green Bay, Appleton, Neenah, Menasha, Oshkosh, and Fond du Lac, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Nebraska, Illinois, Michigan, Indiana, Ohio, and Pennsylvania.

HEARING: September 20, 1960, at the Wisconsin Public Service Commission. Madison, Wis., before Examiner Maurice S. Bush.

No. MC 113267 (Sub No. 22), filed May 2, 1960. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Casevville, Ill. Authority sought to operate as common or contract carrier, by motor vehicle, over irregular routes, transporting; Bananas; and exempt agricultural commodities when transported with mixed shipments of bananas, in mechanical temperature controlled vehicles, from Atlanta, Ga., and points within five (5) miles thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, Tennessee, and Wisconsin.

Note: Applicant has contract carrier authority under Permit Nos. MC 50132 and Sub Numbers thereunder. Section 210 (dual authority) may be involved. A proceeding under section 212(c) in No. MC 50132 (Sub No. 38) to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 28, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 113267 (Sub No. 23), filed May 9, 1960. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris, Caseyville, Ill. Applicant's Practitioner: Frederick H. Figge, 416 Bay Bridge Road, Mobile, Ala. Authority sought to operate as a common or contract carrier, by motor vehicle. over irregular routes, transporting: Ground Mica, in bulk, and in bags, between Kings Mountain, N.C., Erwin and Greenville, Tenn., and points within five

(5) miles thereof, on the one hand, and, on the other, Heflin, Ala.

Note: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier. In No. MC 50132 (Sub-No. 38), therefore, dual operations may be involved.

HEARING: September 20, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Donald R. Ala., Sutherland.

No. MC 113434 (Sub No. 6) (Republication), filed November 9, 1959, published in the FEDERAL REGISTER, issue of February 10, 1960, and republished as amended, March 2, 1960. Applicant: GRA-BELL TRUCK LINE, INC., 697 Lincoln Avenue, P.O. Box 511, Holland, Mich. Applicant's attorney: mina Boersma, 2850 Penobscot Building. Detroit 26, Mich. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Vinegar in bulk, from points in Michigan, except Detroit and 10 miles thereof, Fremont, Battle Creek, Grand Rapids, and Kalamazoo, Mich., to points in Indiana, Illinois, and Ohio, and (2) Fruit juice concentrate, in bulk, from points in Michigan, except Detroit and 10 miles thereof, Fremont, and Battle Creek, Mich., to points in Illinois, Indiana, and Ohio, and except from points in Berrien and Van Buren Counties, Mich., to Chicago, Ill.

HEARING: September 15, 1960, at the Olds Hotel, Lansing, Mich., before Ex-

aminer Francis A. Welch.

No. MC 113996 (Sub No. 5), filed May 4, 1960. Applicant: T. C. DUNLEVY. 532 Calhoun Street, Johnston, S.C. Applicant's attorney: Blease Ellison, Lexington, S.C. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: Used Auto parts, unpacked, from points in Missouri, Arkansas, Louisiana, and Kentucky, to the plant sites of Rayloc Division of Genuine Parts Co., at Atlanta, Ga., and Memphis, Tenn. RESTRIC-TION: The operations authorized herein are limited to a transportation to be performed under a continuing contract, or contracts, with Rayloc Division of Genuine Parts Co., of Atlanta, Ga.

HEARING: September 28, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 114019 (Sub No. 37), filed May 20, 1960. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned and preserved foodstuffs, (a) From points in Illinois, Indiana, and Wisconsin to points in Minnesota, Iowa, Missouri (except St. Louis), North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, West Virginia, and Kentucky (except Louisville, Bellevue, and Covington). (b) From points in Minnesota to points in Iowa, Missouri (except St. Louis). North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, West Virginia, and Kentucky (except Louisville, Bellevue and Covington).

Note: Applicant holds contract carrier authority in Permit No. MC 9685 and Sub numbers thereunder. Dual operations under section 210 may be involved. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 9685 (Sub No. 58).

HEARING: September 29, 1960, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 114021 (Sub No. 16), filed May 9, 1960. Applicant: MIDWEST TRANS-FER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: Floor tile and materials and accessories required for installation thereof, from Hopetown, Ohio to St. Louis, Monand points in Indiana, Michigan, Pennsylvania, New York, West Virginia, Kentucky, Tennessee, Illinois, and Virginia.

Note: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 107640 Sub 36.

HEARING: September 21, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 114021 (Sub No. 17) filed May 9, 1960. Applicant: MIDWEST TRANS-FER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: Metal pans, tee bars and accessories therefor, insulating materials, board, (building, fibre, straw, pulp, and mineral, straight or combined), perlite products, diatomaceous earth and asbestos, combined from Waukegan and Joliet, Ill., to points in Michigan, Indiana, Ohio, Iowa, Kentucky, Missouri, Wisconsin (except Milwaukee, Racine, and Kenosha), Nebraska, Pennsylvania, those in New York on and west of a line beginning at Port Breeze and extending along New York Highway 98 to Salamanca, thence along U.S. Highway 219 to the New York-Pennsylvania State Line.

Note: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 107640 Sub 36.

HEARING: September 21, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 114045 (Sub No. 57), filed May 9, 1960. Applicant: TRANS-COLD EX-PRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: (1) Meats, meat products, and meat by-products from Evansville, Ind., to points in Oklahoma, Arkansas, Louisiana, Missouri, Kansas, and Colorado; (2) Frozen meats, from Boston, Mass., to points in Philadelphia and Pittsburgh, Pa.; (3) Frozen meats from New York, N.Y., Wilmington, Del., Jersey City, and Newark, N.J., to Philadelphia and Pittsburgh, Pa., and (4) Meats, meat products and meat by-products from points in Colorado to Fort Smith, Ark.

HEARING: September 12, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Edith H. Cockrill.

No. MC 114106 (Sub No. 25), filed June 20, 1960. Applicant: MAYBELLE TRANSPORT COMPANY, a Corporation, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry cement, in bulk, in tank vehicles, from Fayetteville and Wilmington, N.C., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, and Virginia.

Note: Applicant has contract carrier authority in No. MC 115176, therefore, dual operations may be involved.

HEARING: October 7, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 114115 (Sub-No. 2), filed June 1960. Applicant: TRUCKAWAY SERVICE, INC., 1099 Oakwood, Detroit, Mich. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus. 15, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Salt, from the U.S. Ports between the United States and Canada located on the St. Marys, St. Clair, Detroit, Niagara, and St. Lawrence Rivers and on Lakes St. Clair, Ontario, Erie, Huron, Michigan, Superior, and Saginaw Bay to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Washington, D.C., when the salt has had a prior movement by water from Port Huron, St. Clair, or Detroit, Mich.; Ontario, Canada; or Cleveland or Fairport, Ohio.

HEARING: September 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Harold W. Angle.

No. MC 114569 (Sub.No. 33), filed June 22, 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, vinegar in containers, from Timberville, Va., to points in Ohio, Indiana, Illinois, Iowa, Missouri, and Michigan.

Note: Applicant has authority in MC-55813 to conduct operations as a contract carrier, therefore, dual operations under section 210 may be involved.

HEARING: September 15, 1960, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 116119 (Sub-No. 6), filed June 23, 1960. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., 7 Third Street, Elkins, W. Va. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, in containers, from Pittsburgh, Pa., and Detroit, Mich., to Elkins, W. Va., and empty containers or other such incidental facilities (not specified), used in transporting the commodities specified above on return.

Note: Duplication with present authority to be eliminated.

HEARING: September 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 116795 (Sub No. 1), filed June 23, 1960. Applicant: LAWRENCE G. WILLMAN, doing business as WILLMAN TRUCKING COMPANY, 1037 Beacon Street, Erie, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Water heaters, and parts moving with or separately from water heaters, and materials and supplies used or useful in the manufacture, assembling, and distribution of water heaters (except such shipments as require special vehicle equipment), (1) between Erie, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, points in that part of Michigan on and east of U.S. Highway 27, points in New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and points in Tennessee on and east of the Tennessee River, and the District of Columbia: and (2) between Chicago, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and points in that part of Michigan west of U.S. Highway 27, including the Upper Peninsula of Michigan.

Note: Applicant indicates the above transportation will be performed for the Republic Appliance Corporation of Erie, Pa.

HEARING: September 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 117165 (Sub No. 9), filed June 6, 1960. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum siding, and parts, accessories, and materials used in the installation thereof, from Chicago Heights, Ill., to Carrollton, Henderson, Paducah, Louisville, Covington, Owensboro, and Fort Knox, Ky.

Hannibal, Mo., and to points in Illinois, Iowa, and the Lower Peninsula of Michigan.

Note: Applicant also has contract carrier authority under MC 105572 (Sub No. 1) and other Sub Numbers. Dual operations under section 210 may be involved.

HEARING: September 16, 1960, at the Olds Hotel, Lansing, Mich., before Examiner Francis A. Welch.

No. MC 117547 (Sub No. 5), filed May 2, 1960. Applicant: BELL TRANSPORTATION CO., INC., Suite 504, 291 Broadway, New York 17, N.Y. Applicant's attorney: George H. Rosen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, in drive-away method, (a) between McGuire Air Force Base, Fort Dix, and Wrightstown, N.J., and Philadelphia, Pa., and (b) between the New York Port of Embarkation at Brooklyn, N.Y., and Philadelphia, Pa.

Note: Applicant states that the proposed operation is to transport privately owned motor vehicles belonging to persons traveling by air under military orders to and from points beyond the United States, and which are moving under commercial bills of lading, in driveaway service. The United States army conducts such operations at the New York Port of Embarkation at Brooklyn, N.Y. Philadelphia, Pa., has been designated as an additional point for such operations.

HEARING: July 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 117574 (Sub-No. 53), filed May 24, 1960. Applicant: DAILY EXPRESS. INC., 65 West North Street; Carlisle, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Electric motors, generators, pumps, transformers, regulators, vibrator screens, engines, compressors, kilns and kiln parts, power units, switches and switching units, crushers and crusher parts, turbine, generators, blowers, condensers, industrial machinery, electrical equipment, between Milwaukee, West Allis, Wauwatosa, and Carrollville, Wis., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Pennsylvania, North Carolina, and the District of Columbia.

HEARING: September 27, 1960, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Edith H. Cockrill.

No. MC 119226 (Sub No. 20), filed April 22, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Inedible animal fats, lard, grease, tallow, specially refined fats, lard oil, tallow oil, fatty acids, stearic acids, oleic acid, glycerine, and fatty acid esters, from points in the Pittsburgh, Pa., Commercial Zone, as defined by the Commis-

sion, to points in Illinois, Indiana, Michigan, Ohio, and Kentucky.

HEARING: September 28, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119226 (Sub No. 22), filed June 2, 1960. 'Applicant: LIQUID TRANS-PORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lecithin, in bulk, in tank vehicles, from Gibson City, Ill., to Camegie, Pa.

HEARING: September 28, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119375 (Sub No. 1), filed June 10, 1960. Applicant: ROBERT NELSON HINES, 126 South Penn Street, Bellefonte, Pa. Applicant's attorney: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Baltimore, Md.; Newark, N.J.; Buffalo, Rochester and Utica, N.Y., and Cleveland, Ohio, to Bellefonte, Lewistown, Lock Haven, and Williamsport. Pa., and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return.

HEARING: September 30, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 119441 (Sub No. 6), filed June 13, 1960. Applicant: BAKER HI-WAY EXPRESS, INC., Stone Creek, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Clay tile, from points in Wayne County, Ohio, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin, and empty containers or other such incidental facilities, used in transporting the abovedescribed commodities, on return.

Note: Applicant has pending in MC 101093 (Sub No. 7), application for contract carrier authority; therefore, dual operations under section 210 may be involved.

HEARING: September 20, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Edith H. Cockrill.

No. MC 119517 (REPUBLICATION), filed February 17, 1960, published in the FEDERAL REGISTER, issue of March 30. 1960. Applicant: GLENN B. PERKIN-SON, Wise, N.C. Applicant's attorney: John Kerr, Jr., Warrenton, N.C. By application, BMC 78, filed February 17, 1960, applicant sought to conduct operations as a contract carrier, over regular routes, from Norfolk, Va., to Wise and Warrenton, N.C. At the hearing held May 3, 1960, at Raleigh, N.C., before Examiner Robert R. Boyd, the evidence adduced revealed that the public convenience and necessity would require the services of applicant in a manner substantially different from the authority as sought in the application. Accordingly, the Examiner, in a Report served June 7.

1960, found that the present and future public convenience and necessity require operations by applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, of fertilizer, except in bulk, in tank vehicles, from Norfolk, Va., to points in Warren County, N.C. Any person or persons who may have been prejudiced by the allowance of the amendments to the application, may, within 30 days from the date of this republication in the Federal Register, file an appropriate pleading.

No. MC 119652, filed April 7, 1960. Applicant: LOUIS I. GREENE, doing business as BUS DELIVERY SERVICE, 506 Crawford Street, Mitchell, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buses, by the "drive-away" method, from Mitchell, Ind., and points within two (2) miles thereof, to points in the United States, except Hawaii.

HEARING: September 27, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119692, Filed April 21, 1960. Applicant: DONALD FITZPATRICK, an individual, R.F.D. No. 1, Sumner, Mich. Applicant's attorney: Quentin A. Ewert, 1117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Twine and cordage, between points in Ohio, Michigan, Missouri, Kansas, Indiana, Illinois, Mississippi, Wisconsin, Minnesota, Pennsylvania, Iowa, New York, Louisiana, Kentucky, Tennessee, and Arkansas; and (2) Feed ingredients, manufactured feeds, seeds, and supplies, between points in Michigan, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Kansas, Missouri, Mississippi, Wisconsin, Minnesota, Pennsylvania, Iowa, New York, Louisiana, Kentucky, Tennessee, and Arkansas, and damaged, and rejected commodities and empty containers used in transporting said commodities on return.

Note: Applicant proposes to perform the above service for the Economy Mills of Elwell, Inc., Elwell, Mich.

HEARING: September 16, 1960, at the Olds Hotel, Lansing, Mich., before Examiner Francis A. Welch.

aminer Francis A. Welch.
No. MC 119693, filed April 22, 1960.
Applicant: GRAIN TRANSIT, INC., 200 Clement Drive, New Haven, Ind. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a contract carrier, by motor vehicles, over irregular routes, transporting: Feed ingredients, in bulk and in bags, (1) from Decatur, Danville, Kankakee, and Springfield, Ill., to points in Michigan on and south of Michigan Highway 21, points in Pennsylvania on and west of U.S. Highway 15, points in New York on and south of U.S. Highway 20 and on and west of U.S. Highway 15, and points in West Virginia, Virginia, Ohio, Indiana, and Maryland; (2) from Bellevue, Fostoria, and Toledo. Ohio to

points in Pennsylvania on and west of U.S. Highway 15, points in New York on and south of U.S. Highway 20 and on and west of U.S. Highway 15, and points in West Virginia, Indiana, Virginia, and Maryland; and (3) from Frankfort, Ind., to points in Michigan on and south of Michigan Highway 21, points in Pennsylvania on and west of U.S. Highway 15, points in New York on and south of U.S. Highway 20 and on and west of U.S. Highway 15, and points in West Virginia, Ohio, Virginia, and Maryland.

HEARING: September 29, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119732 (Sub No. 1), filed June 16, 1960. Applicant: GEORGE ZET-TELMEIER, JR., AND JESSE RUF-FALO, A PARTNERSHIP, doing business as PLAINFIELD TRUCKING, Plainfield, Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Frozen entrails and meat scraps, not for human consumption, from Sioux Falls, S. Dak., and Ottumwa and Sioux City, Iowa, to Pittsville, Wis., and to points in Wisconsin, Minnesota, and the Upper Peninsula of Michigan, excluding deliveries of said commodities to points in incorporated municipalities in said states.

HEARING: September 19, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 119732 (Sub No. 2), filed June 16, 1960. Applicant: GEORGE ZET-TELMEIER, JR., AND JESSE RUF-FALO doing business as PLAINFIELD TRUCKING, Plainfield, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Frozen nutria (COYPU) carcasses, (not for human consumption), from New Orleans, La., to (a) Pittsville, Wis., and (b) to points in Wisconsin, Minnesota, and the Upper Peninsula of Michigan (excluding deliveries of said commodity to points in incorporated municipalities in said States).

HEARING: September 19, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush

No. MC 119747, filed May 9, 1960. Applicant: CHARLES J. SCOTT, Washington, Ga. Applicant's attorney: Walton Hardin, Washington, Ga. Authority Washington, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes. transporting: Green lumber, except plywood and veneer, from points in that part of Georgia on and east of U.S. Highway 441, and on and north of U.S. Highway 278 to points in that part of Florida on and north of Florida Highway 70, and points in Alabama and South Carolina and points in McComb, Oakland, Wayne, and Monroe Counties, Mich., and green lumber and green bulk on return.

Note: The above transportation will be performed under a continuing contract or contracts with Jackson Mill and Lumber Company, Washington, Ga.

HEARING: September 29, 1960, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 119749 (Sub No. 4), filed June 22, 1960. Applicant: RIPON TRUCK-ING CO., a Corporation, Oshkosh Street, Ripon, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cookies, from Ripon, Wis., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia.

Note: Applicant holds contract carrier authority in Permit No. MC 26907 and Substhereunder. Dual operations may be involved. Applicant states it seeks no duplicating authority.

HEARING: September 21, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 119774, filed May 13, 1960. Applicant: O. M. STIDHAM, N. M. STIDHAM, A. E. MANKINS, AND JAMES E. MANKINS, a Partnership, doing business as EAGLE TRUCKING COMPANY, Kilgore, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Arkansas, Louisiana, Mississippi, and Texas, (2) between points in Louisiana, Arkansas, Mississippi, and Texas, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, (3) between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, (4) between points in Kansas, Oklahoma, and that part of Texas on and north of U.S. Highway 84, and (5) between points in Alabama, Georgia, and Florida.

Note: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

PRE-HEARING CONFERENCE: August 3, 1960, at the Baker Hotel, Dallas, Texas, before Examiner James C. Cheseldine. At the pre-hearing conference it is contemplated that the matter to be discussed will be those set forth in the previous publication of the Federal Register under date of July 7, 1960, at page 6393.

No. MC 119778 (Sub No. 1), filed May 17, 1960. Applicant: REDWING CAR-

RIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lime, in bulk, and cement, in bulk, from points in Alabama to points in Mississippi, Tennessee, Florida, and Georgia.

HEARING: September 21, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Donald R. Sutherland.

No. MC 119815, filed May 25, 1960. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 1518 L Street, Bedford, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Building materials and gypsum products, from the site of the United States Gypsum Company plant, approximately five (5) miles east of Shoals in Martin County, Ind., to St. Louis, Mo., points in Illinois, Kentucky, Ohio, Tennessee, and West Virginia, and to points in Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Osage, Perry, Pemiscott, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne Counties, Mo.; and Pallets and skids, and refused or rejected shipments of the abovespecified commodities, from the abovespecified destination points to the origin point specified above.

HEARING: September 30, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119834, filed June 7, 1960. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., R.D. No. 2, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wire cloth, aluminum, brass, bronze or copper, and iron and steel cloth, in straight or mixed truckloads, from York, Pa. to points in California, Oklahoma, and Texas, and empty containers or other such incidental facilities used in transporting the above-described commodities, on return.

HEARING: September 22, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 119836, filed June 6, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cement (Portland, Hydrated and Masonry), Hydrated Lime, and Quicklime, in bulk, and in bags, from

the plant sites of American Marietta Company (Southern Cement Company Division), located at North Birmingham, Jefferson County, Ala., and in Shelby County, Ala., to points in Georgia, Florida, Mississippi, Tennessee, South Carolina, and North Carolina, and empty containers, or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return.

Note: Dual Operations may be involved.

HEARING: September 22, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Donald R. Sutherland.

No. MC 119867, filed June 17, 1960. Applicant: NICHOLS BADGER BRAND PRODUCTS, INC., 2124 West Grand Avenue, Chicago, Ill. Applicant's attorney: John H. Ames, 935 Empire Building, Milwaukee 3, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Ice cream and frozen ice cream novelties, such as, popsicles, drumsticks, etc., from Milwaukee, Wis., and Chicago, Ill., to Mason City, Waterloo, Marshalltown, Dubuque, Des Moines, Cedar Rapids, Burlington, and Davenport, Iowa; and from Mason City and Cedar Rapids, Iowa, to Pekin, Ill., and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodities, on return.

HEARING: September 21, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 119874, filed June 21, 1960. Applicant: RICHARD H. STEGER, Millers, Md. Applicant's attorney: Donald E. Freeman, Uniontown Road Box 24, Westminster, Md. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Building or structure stone (4 inch veneer strips) in truck loads, (1) from Butler, Md., to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. (2) From McDermott, Ohio, and Rutland, Vt., to Butler, Md.

Note: Applicant states the above transportation will be performed under a continuing contract for the account of the C. E. Weaver Stone Company (a Corporation), Butler. Md.

HEARING: September 20, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

MOTOR CARRIERS OF PASSENGERS

No. MC 83791 (Sub No. 3), filed June 3, 1960. Applicant: PERKIOMEN VALLEY BUS COMPANY, a Corporation, Ninth & Main Streets, Fennsburg, Pa. Applicant's attorney: Harry H. Frank, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, (1) between the Borough of Red Hill (Montgomery County), Pa., and the City of Allentown (Lehigh County), Pa.: from Red Hill

over Pennsylvania Highway 29 to Allentown, and return over the same route, serving all intermediate points; and (2) between the Village of Hereford (Berks County), Pa., and the Borough of Boyertown (Berks County), Pa.: from junction Pennsylvania Highways 29 and 100 at Hereford over Pennsylvania Highway 100 to Boyertown, and return over the same route, serving all intermediate points.

HEARING: September 28, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 84728 (Sub No. 34), filed May 6, 1960. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. Applicant's attorney: William A. Roberts, Continental Building, 14th at K Street NW., Washington 5, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers in round-trip special operations seasonal during racing seasons, beginning and ending at Philadelphia, Pa., and Camden, N.J., and extending to: (a) Yonkers Raceway, Yonkers, N.Y., (b) Roosevelt Raceway, Westbury, Long Island, N.Y., (c) Delaware Park, New Castle, Del., (d) Brandywine Raceway, New Castle, Del., (e) Bowie Race Course, Bowie, Md., (f) Laurel Race Course, Laurel, Md., (g) Pimlico Race Course, Baltimore, Md.

HEARING: September 12, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles J. Murphy.

No. MC 99779 (Sub No. 2), filed June 13, 1960. Applicant: VALLEY TRANS-PORTATION COMPANY, a Corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in special operations, during respective racing seasons, between Harrisburg, Lemoyne, and York, Pa., and the Pimlico Race Course, Baltimore, Md.

HEARING: September 29, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 74, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy,

No. MC 107583 (Sub No. 12), filed June 6, 1960. Applicant: SALEM TRANS-PORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 291 Broadway, New York 7, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, between Fort Dix, McGuire Air Force Base. Wrightstown, N.J., and points in the Townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia,

Note: Applicant states the proposed operations will be special in character, in nonscheduled door-to-door service limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats. Applicant further states it is presently authorized to conduct these operations between the named origin points, on the one hand, and Philadelphia International Airport, Philadelphia, Pa., on the other, and seeks by this application authority to serve between the said territory and all of Philadelphia. Applicant's stockholders are also stockholders in Central Stages, Inc., MC 105661, and Bell Transportation Co., Inc., MC 117547; therefore, common control may be involved.

HEARING: September 14, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 67, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

APPLICATIONS IN WHICH HANDLING WITH-OUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC-2900 (Sub No. 101), filed June 28, 1960. Applicant: RYDER TANK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Anniston, Ala., and Gadsden, Ala.: from Anniston over U.S. Highway 431 to Gadsden and return over the same route serving no intermediate points, as an alternate route for operating convenience only, and (2) between Lake City, Fla., and Hazlehurst, Ga.: from Lake City over U.S. Highway 441 to Douglas, Ga., thence over U.S. Highway 221 Hazlehurst, and return over the same route serving no intermediate points, as an alternate route for operating convenience only, with right of joinder at Lake City, Fla., but with no authority to serve Lake City, Fla.

Note: As to Part 1 of the application, applicant presently holds authority between Anniston, Ala., and Gadsden, Ala., however, there is a restriction on this authority as set forth in Docket No. MC 2900 Sub 47, dated June 30, 1949.

No. MC 66562 (Sub No. 1696), filed June 28, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED. 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency Law Department (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, including Classes A and B explosives, moving in express service, between the junction of Delaware County Road 64 and Delaware Highway 26 to Salisbury, Md., from the junction of Delaware County Road 64 with Delaware Highway 26, over Delaware Highway 26 to the Delaware-Maryland State line, thence over Maryland Highway 353 to junction U.S. Highway 50, thence over U.S. Highway 50 to Salisbury, Md., and return over the same route, serving the intermediate point of Pittsville, Md. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt.

Note: Applicant states the proposed operations will be an extension of applicant's existing authorized operations in No. MC 66562 Subs No. 1141 and 1151.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 195), filed June 23, 1960. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorneys: Raymond H. Warns and George W. Rauch (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Chicago, Ill., and junction U.S. Highways 14 and 51, approximately three (3) miles north of Janesville, Wis., from Chicago over Interstate Highway 90 to its interchange with U.S. Highway 14, thence over U.S. Highway 14 to junction U.S. Highway 51, and return over the same route, serving the intermediate and off-route points of Elgin, Ill., from the Elgin East Interchange over Illinois Highway 25 to Elgin, thence over Illinois Highway 31 to the Elgin West Interchange; Belvidere, Ill.. from the Genoa Road Interchange over unnumbered highway to Belvidere, thence over U.S. Highway 20 to Rockford, Ill., with the privilege of joinder at the interchange of Interstate Highway 90 and U.S. Highway 20; Beloit, Wis., from the South Beloit Interchange over an unnumbered highway to U.S. Highway 51, thence over U.S. Highway 51 to Beloit: Janesville, Wis., from the Janesville Interchange over Wisconsin Highway 11 to Janesville.

Note: Applicant states it proposes to join or tack this authority, if granted, to its present authority between Chicago, Ill., and Great Falls, Mont., serving all intermediate points, and between Melrose Park, Ill., and Pigeon River, Minn., serving all intermediate points, as described on Sheet 1 of Certificate No. MC 1501 (Sub No. 77). Applicant further states that under Deviation Notice it has been operating between Chicago and Beloit via the proposed route, and that the present service will be continued if the instant application is granted, except that the northern terminus will be north of Janesville, Wis.

No. MC 1501 (Sub No. 196), filed June 23, 1960. Applicant: THE GREY-HOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorneys: Raymond H. Warns and George W. Rauch (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: Passengers and their baggage, and express, mail, and newspapers, in the

same vehicle with passengers, between junction U.S. Highway 30 and Iowa Highway 212, approximately six (6) miles east of Tama, Iowa, and junction Iowa Highway 131 and U.S. Highway 30, approximately six (6) miles north of Belle Plaine, Iowa, from junction U.S. Highway 30 and Iowa Highway 212 over U.S. Highway 30 to junction Iowa Highway 131, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

Note: Applicant states it proposes to join or tack this authority, if granted, to its present authority at junction U.S. Highway 30 and Iowa Highway 131 and at junction U.S. Highway 30 and Iowa Highway 212, as described on Sheet 2 of Certificate No. MC 1501 (Sub No. 77).

No. MC 1501 (Sub No. 197), filed June 29, 1960. Applicant: THE GREY-HOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorneys: Raymong H. Warns and George W. Rauch (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, (1) between Marion, Ill., and junction Interstate Highway 57 and U.S. Highway 51. approximately two (2) miles north of Ullin, Ill., over Interstate Highway 57, serving no intermediate points; and (2) between Wickliffe, Ky., and Union City, Tenn., from Wickliffe over U.S. Highway 51 to Clinton, Ky., thence over Kentucky Highway 58 to junction Kentucky Highway 123, thence over Kentucky Highway 123 to junction Kentucky Highway 127, thence over Kentucky Highway 127 to the Kentucky-Tennessee State line, thence over Tennessee Highway 21 to Union City, and return over the same route, serving no intermediate points; and all subject to the restrictions that no passengers may be transported from Union City, Tenn., or points south thereof over this route whose final destination is Cairo, East St. Louis, Ill., St. Louis Mo., or points beyond when routed via St. Louis, Mo., or vice versa; and further, that no passengers may be transported whose entire ride is between Cairo, Ill., and Union City, Tenn., or intermediate points, or vice versa.

NOTE: Applicant states it proposes to join or tack this authority, if granted, to (a) its present certificated authority between Marion, Ill., and Union City, Tenn., as described in Route 3 on Sheet 2 under Docket No. MC 1501 (Sub No. 25), between Effingham, Ill., and Jackson, Miss., serving the intermediate points of Memphis, Tenn., and those between Memphis and Effingham, and the off-route point of Herrin, Ill.; and (b) Applicant's present authority between junction Interstate Highway 57 and U.S. Highway 51 and Wickliffe, Ky., as described in Route 2 on Sheet 1 of the certificate issued under Docket No. MC 1501 (Sub No. 25), between St. Louis, Mo., and Paducah, Ky., serving the inter-mediate points of Cairo, Ill., and Wickliffe, Ky., and all other intermediate points except those on U.S. Highway 51 between Cairo and Wickliffe.

No. MC 5786 (Sub No. 3), filed June 30, 1960. Applicant: H. B. CRENSHAW,

doing business as CRENSHAW BUS LINES, P.O. Box 537, Oak Grove, La. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, express, mail and newspapers in the same vehicle with passengers, between Monroe, La., and Lake Providence; La.; from Monroe over U.S. Highway 165 to Mer Rouge, La., thence over Louisiana Highway 2 and U.S. Highway 65, thence over U.S. Highway 65 to Lake Providence, La., and return over the same route, serving all intermediate points.

No. MC 119889, filed June 29, 1960. Applicant: MORITZ O. GOCHENOUR, doing business as GOCHENOUR BUS SERVICE, Route 1, Woodstock, Va. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers in round-trip charter operations beginning and ending at points in Shenandoah County, Va., and extending to points in Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

PETITION

Nos. MC 117330, MC 117330 (Sub No. 1), and MC 117330 (Sub No. 3), (PETI-TION TO REMOVE OR MODIFY RE-STRICTIONS IN PERMITS), dated June 22, 1960. Petitioner: FLEMING-TON TRANSPORTATION, INCORPO-RATED, Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Permit No. MC 117330, dated February 16, 1959, authorizes the transportation of stone, clay products, and fibre pipe, from points in certain named counties in Ohio, and certain counties in Pennsylvania, to New York, N.Y., and certain counties in New York, points in New Jersey, and certain counties in Connecticut; and brick and stone, on return. Permit No. MC 117330 (Sub No. 1), dated July 9, 1959, authorizes the transportation of brick, clay products, and stone, between points in a portion of Pennsylvania, on the one hand, and, on the other, New York, N.Y., and points in certain counties in New York, points in New Jersey, and certain counties in Connecticut. Permit No. MC 117330 (Sub No. 3), dated April 20, 1960, authorizes the transportation of refractory products (except clay products), insulation, cement and lime products, asphalt and asbestos products, lathe and building boards, from New York, N.Y., and points in certain counties in New York, points in New Jersey, and points in certain counties in Connecticut, to points in certain counties in Ohio, and certain counties in Pennsylvania, also brick and stone and clay products, from New York, N.Y., and certain counties in New York to points in New Jersey, and points in certain counties in Connecticut to points in Pennsylvania. All of the above Permits are subject to a restriction reading: The operations authorized

service to be performed under a continuing contract, or contracts, with Merritt, Incorporated, of Flernington, N.J. By petition dated June 22, 1960, petitioner requests the Commission accept the petition for modification of the authority described in the outstanding permits and to exclude the restriction as to a named shipper or in the alternative impost a restriction as to a class of consignors or consignees which petitioner may serve in the form of a "Keystone" restriction, viz. under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the production, distribution and utilization of stone, clay products, fibre pipe,

brick refractory products, insulation, ce-

ment and lime products, asphalt and

asbestos products, lathe and building

board. Any person or persons desiring

to oppose the relief sought, may, within

30 days from the date of this publication

in the Federal Register, file an appro-

priate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1,240 TO THE EXTENT APPLICABLE

No. MC 103435 (Sub No. 97), filed June 3, 1960. Applicant: BUCKING-HAM FREIGHT LINES, a Corporation, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: (1) Classes A and B explosives and general commodities, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between the junction of U.S. Highway 87 and U.S. Highway 85, north of Cheyenne, Wyo., over U.S. Highway 87 to Douglas, Wyo., for operating convenience only in connection with applicant's authorized regular route operations between Douglas and Gillette. Wyo., serving Douglas as a point of joinder only. (2) General commodities, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injuriors or contaminating to other lading, between Scottsbluff, Nebr., and the junction of U.S. Highway 26 and U.S. Highway 26-N, for operating convenience only in connection with applicant's authorized regular route operations between Scottsbluff, Nebr. and Cheyenne, Wyo., serving the junction of U.S. Highways 26 and 26-N as a point of joinder

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Com-

herein are limited to a transportation merce Act and certain other proceedings service to be performed under a con-with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-6740, KINGSWAY TRANS-PORTS LIMITED-PURCHASE-CHARLES A. KUHNS DELIVERY, INC., published in the October 30, 1957, issue of the Federal Register on page 8768. Supplemental application filed July 5, 1960, by ALGOMA STEEL CORPORA-TION LIMITED, 503 Queen Street East, Sault Ste. Marie, Ontario, Canada, as the controlling party of CANADA STEAMSHIP LINES LIMITED, P.O. Box 100, Montreal, Quebec, Canada, which corporation is in control of KINGSWAY TRANSPORT LIMITED, P.O. 1220, Montreal, Quebec, Canada, purchaser of CHARLES A. KUHNS DE-LIVERY, INC., 2259 Fairfield Avenue, Niagara Falls, New York. Applicants' attorney: S. Harrison Kahn, 1110-1114 Investment Building, Washington 5, D.C. This supplemental application is filed in response to certain discussion in the report and order of March 23, 1960, in No. MC-F-6740.

No. MC-F-7543 (TEXAS BUS LINES—PURCHASE—COASTAL COACHES, INC.), published in the May 25, 1960, issue of the FEDERAL REGISTER on page 4623. Application filed July 5, 1960, for temporary authority under section 210a(b).

No. MC-F-7562 (NAVAJO FREIGHT LINES, INC.—PURCHASE—FRED W. SCHULTZ (MYRON H. BURNETT, RE-CEIVER)), published in the June 22, 1960, issue of the Federal Register on page 5715. Application filed July 5, 1960, for temporary authority under section 210a(b).

No. MC-F-7569 (CORRECTION), CASSENS TRANSPORT COMPANY—PURCHASE (PORTION)—SPEEDWAY TRANSPORTS, INC., published in the June 22, 1960, issue of the Federal Register on page 5716. The States of Idaho and Minnesota were inadvertently omitted in describing points vendee is authorized to serve.

No. MC-F-7585. Authority sought for control and merger by TOPEKA MOTOR FREIGHT, INC., 301 Adams Street, Topeka, Kansas, of the operating rights and property of DONOVAN MOTOR FREIGHT, INC., Second and Shawnee Streets, Leavenworth, Kansas, and for acquisition by JEFF A. ROBERTSON, 2855 Fairway Drive, Topeka, Kansas, of control of such rights and property through the transaction. Applicants' attorney: James F. Miller, 500 Board of Trade Building, Kansas City, Missouri. Operating rights sought to be controlled and merged: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over a regular route between Atchinson, Kans., and Kansas City, Mo., and the intermediate points of Victory Junction, Lansing, Richardson, Soldiers' Home, Leavenworth, Fort Leavenworth, and Lowemont, Kans., and the intermediate and off route points in Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission. TOPEKA MOTOR FREIGHT, INC., is authorized to operate as a common carrier in Missouri and Kansas. Application has been

filed for temporary authority under section 210a(b)

No. MC-F-7586. Authority sought for purchase by WEST NEBRASKA EX-PRESS, INC., 709 Mill Drive, Scottsbluff, Nebr., of the operating rights of CARL J. FORSSTROM, Hemingford, Nebr. Applicants' attorney: Russell E. Lovell, P.O. Box 419, 2112 Broadway, Scottsbluff, Nebr. Operating rights sought to be transferred: Household goods, livestock, and agricultural commodities, as a common carrier over irregular routes, between Hemingford, Nebr., and points within 30 miles of Hemingford, on the one hand, and, on the other, points in Colorado, South Dakota, and Wyoming; food, from Denver, Colo., to Hemingford, Nebr., and points within 30 miles of Hemingford; lumber, posts, and fuel wood, from points in Custer County, S. Dak., to Hemingford, Nebr., and points within 30 miles of Hemingford; coal, from Denver, Colo., and points within 20 miles of Denver, Douglas and Glenrock, Wyo., and points within 20 miles of Douglas and Glenrock to Hemingford, Nebr., and points within 30 miles of Hemingford. Vendee is authorized to operate as a common carrier in Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7587. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex., of a portion of the operating rights of GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, Houston, Tex., and for acquisition by W. O. HARRINGTON, Coppell, Tex., of control of such rights through the purchase. Applicants' attorneys: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla., and Joe C. Fender, 1421 Melrose Building, Houston, Tex. Operating rights sought to be transferred: (A) Commodities, the transportation of which by reason of size or weight, require the use of special equipment; and (B) related machinery and related contractors' materials and supplies when their transportation is incidental to the transportation of the commodities authorized in (A) above, as a common carrier over irregular routes. between points in Texas, on the one hand, and on the other, points in Pennsylvania, New York, and New Jersey, and between points in Michigan, Ohio, and Pennsylvania, on the one hand, and on the other, points in Montana, North Dakota, South Dakota, and Wyoming. RESTRICTION: The authority granted herein is subject to the condition that carrier shall not engage in the stringing or picking up of pipe along pipelines. Vendee is authorized to operate as a common carrier in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Mississippi, Illinois, Indiana, Kentucky, Arkansas, North Dakota, South Dakota, Wisconsin, Tennessee, Nevada, Colorado, Pennsylvania, Montana, Wyoming, Ohio, Oregon, Washington, Minnesota, Michigan, Iowa, New Jersey, New York, Utah, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7588. Authority sought for purchase by JAMESWAY MOVING & STORAGE CO., 446 East 111th Place,

Chicago, Ill., of the operating rights and property of D. P. HANENBURG, doing business as JAMESWAY MOVING & STORAGE CO., 446 East 111th Place, Chicago, Ill., and for acquisition by DEWEY P. HANENBURG, also of Chicago, of control of such rights and property through the purchase. Applicants' attorney: G. M. Rebman, La Tourette & Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier over irregular routes, between points in those portions of Illinois, Indiana, Ohio, and Pennsylvania, beginning at the junction of Illinois Highway 26 and the Wisconsin-Illinois State line and extending along Illinois Highway 26 to junction of Illinois Highway 29, thence along Illinois Highway 29 to Peoria, Ill., thence along U.S. Highway 150 to junction U.S. Highway 36, thence along U.S. Highway 36 (to junction U.S. Highway 22, thence along U.S. Highway 22 to Pittsburgh, Pa.), thence along Pennsylvania Highway 28 to Kittanning, Pa., thence along U.S. Highway 422 to Cleveland, Ohio, thence along U.S. Highway 20 to shore of Lake Michigan, thence along the shore of Lake Michigan to the junction of the Wisconsin-Illinois State line, and thence to point of beginning including indicated points on the highways specified, on the one hand, and, on the other, points in Michigan, Ohio, Illinois, Indiana, Pennsylvania, New Jersey, New York, Massachusetts, Virginia, Kentucky, Missouri, Wisconsin, Minnesota, Connecticut, Iowa, Maryland, Nebraska, Rhode Island, and the District of Columbia. Vendee holds no authority from this Commission. However, DEWEY P. HANENBURG is affiliated with UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, St. Louis 17, Mo., which is authorized to operate as a common carrier in all States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-6465; Filed, July 12, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on June 15, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-59 authorizing General Dynamics Corporation to construct on the applicant's site at Torrey Pines Mesa, California, a TRIGA-type nuclear reactor designated by the applicant as the FLAIR. Notice of the proposed

action was published in the Federal Register on June 16, 1960, 25 FR 5403.

Dated at Germantown, Md., this 1st day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,

Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-6438; Filed July 12, 1960; 8:45 a.m.]

[Docket No. 50-18]

GENERAL ELECTRIC CO.

Notice of Issuance of Amendment of Utilization Facility License

Please take notice that, pursuant to an order of the Atomic Energy Commission dated July 1, 1960, directing that the intermediate decision of Honorable Samuel W. Jensch, Hearing Examiner, dated June 14, 1960, be effective immediately and authorizing and directing the issuance of an amended license to General Electric Company, Amendment No. 14 to Facility License No. DPR-1 has been issued. The amendment authorizes General Electric Company to operate its Vallecitos Boiling Water Reactor with certain internal modifications, with a new fuel arrangement including a new type of control rod and modified control rod activators, and with both turbinedriven and electrically-driven coolant circulation pumps. Public hearings on the issuance of the amendment were held on April 5, 1960, April 6, 1960, and May 23, 1960.

Dated at Germantown, Md., this 6th day of July 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 60-6439; Filed, July 12, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11314]

WINGS AND WHEELS EXPRESS, INC., AND AMERICAN SHIPPERS, INC.; ENFORCEMENT PROCEEDING

Notice of Hearing

In the matter of the unapproved agreement between Wings and Wheels Express, Inc., and American Shippers, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on July 21, 1960, at 10:00 a.m. e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Henry F. Martin, Jr.

Dated at Washington, D.C., July 8, 1960.

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 60-6493; Filed, July 12, 1960; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July 1960 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Principal changes in the list for July are dropping farmers stock peanuts from the sales list and shifting to 1960-crop price-support rates in setting minimum domestic sales prices for wheat, oats, barley, rye, and grain sorghums. Wheat sales price examples are based on the 1960-crop minimum support rates announced last summer. Any revision of 1960-crop wheat support rates as of July 1 will be reflected automatically in minimum domestic sales prices.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities (except oats) currently offered for sale by CCC, plus to-bacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, cotton, tobacco, rice (milled), wheat, corn, barley, rye, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for July 1960 are 4½ percent for periods up to six months, 5 percent for periods from over six and up to 18 months, and 5½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required

U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority

issuing authority.

Announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS office and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States. Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Oairy products	Submission of offers: For products in Arizona, California, Idaho, Nevac Oregon, Utah, and Washington, submit offers to the Portland CSS Comodity Office. For products in other States and the District of Columb submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD-33 pursuant to invitations to bid to issued by Cincinnati and Portland CSS Commodity Offices (may be applit to arrangements for barter or approved credit sales).
Vonfat dry milk (bags and drums) as available.	Submission of offers: For products in Arizona, California, Idaho, Nevad Oregon, Utah, and Washington, submit offers to the Portland CSS Comodity Office. For products in other States and the District of Columb submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD-33 pursuant to invitations to bid to issued by Cincinnati and Portland CSS Commodity Offices (may be applit to arrangements for harter or appropried credit sales).
as available.	modity Office. For products in other states and the District of Columb submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD-33 pursuant to invitations to bid to issued by Cincinnati and Portland CSS Commodity Offices (may be applied to arrangements for harter or appropriate credit sales).
as available.	Domestic, unrestricted use: Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD-33 pursuant to invitations to bid to issued by Cincinnati and Portland CSS Commodity Offices (may be applited paragements for parter or approved credit sales).
as available.	Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD-33 pursuant to invitations to bid to issued by Cincinnati and Portland CSS Commodity Offices (may be applied to arrangements for harter or appropried credit sales).
otton, upland	
otton, upland	
otton, upland.	Domestic or export, unrestricted use: Compatitive bid and under the terms and conditions of Announceme
,	I Competitive hid and under the terms and conditions of Announceme
	NO-C-12 (Sale of 1058 and prior crop cotton for unrestricted use) a
	Announcement NO-C-13 (Sale of 1959-crop Choice (A) cotton for un
	stricted use). Under NO-C-12 and NO-C-13, cotton in CCC's catalogs to be sold at high
	price offered but in no event at less than the higher of (1) the market pr
	as determined by CCC or (2) 110 percent of the applicable Choice (support price plus carrying charges.
otton, extra long staple	I Domestic or export, unrestricted use:
	Competitive bid and under the terms and conditions of Announcement NO-C-6 as amended and NO-C-10 as amended, but not less than to
	higher of (1) 105 percent of the current support price plus reasonable caning charges, or (2) the domestic market price as determined by CCC.
Jatalogs	 Catalogs for upland cotton and extra long staple cotton showing quantiti
	qualities, and locations may be obtained for a nominal fee from the Norleans CSS Commodity Office.
Vheat, bulk	Domestic, unrestricted use; Commercial wheat-producing area:
	Market price basis in store but not less than the 1960 applicable loan rate p (1) 14 cents per bushel if received by truck or (2) 11 cents per bushel if
	ceived by rail or barge.
	If delivery is outside the area of production, applicable freight will be add to the above.
	The males of the foregoing minimum pulse non hughel (arreil or herge):
•	Examples of the foregoing infiliation price per busine (estat of bargo); Chicago, No. 1 RW
	Kansas City, No. 1 HW
	I A nove examples are based on Drehminary loan rates.
	Noncommercial wheat-producing area: Same basis as in commercial at except 133 percent of applicable support rate.
	Export:
•	(i) As wheat under Announcement GR-261 revised, as amended, or as fit under Announcement GR-262 revised, as amended, for application under Announcement GR-262 revised, as amended, for application under the control of
•	arrangements for barter which permits exportation of wheat as flour a
	approved credit sales only at prices determined daily (2) under Announment GR-212 revised, amended, for specific offerings as announced a
	(3) under Announcement GR-345 for redemption of certificates un Payment-in-Kind Program.
	Available Evanston, Danas, Kansas City, Minneapons, and Formand C
Jorn, bulk	Commodity Offices. Domestic, unrestricted use:
· · · · · · · · · · · · · · · · · · ·	Market price, basis in store, but not less than the 1959 applicable loan r
	plus (1) a markup of 19 cents per bushel for corn in storage at point of p duction or (2) a markup of 21 cents per bushel and the rail freight from po
•	of production to the present point of storage for corn in storage at other than the point of production.
•	Examples of the foregoing minimum price per bushel for No. 2 yellow con
	13.3 percent moisture and 1.4 percent foreign material including averaged in freight from Woodford County, Ill., to Chicago and Redwo
•	paid-in freight from Woodford County, Ill., to Chicago and Redwo County, Minn., to Minneapolis, respectively: Chicago
	Winneapons
	Nonstorable corn, unrestricted use (as available): At not less than marl price as determined by CCC. At bin sites, through ASC County Office
	At other locations through the Commodity Offices indicated below.
	Export: Under Announcement GR-212, revised, amended, for application to arran
	ments for barter and approved credit and emergency sales and une
	Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis and Portland C
oats, bulk	_ Commodity Onces.
roup Numeroneenseesseessees	Domestic, unrestricted use: Market price, basis in store, but not less than the 1960 applicable loan ra
	plus (1) a markup of 6 cents per bushel for oats in storage at point of p duction and (2) a markup of 8 cents per bushel and the rail freight free
	point of production to present point of storage for oats in storage at other
•	paid-in freight from Woodford County, Ill., to Chicago and Redwo
	Examples of the foregoing minimum price per bushel including averable paid-in freight from Woodford County, Ill., to Chicago and Redwo County, Minn., to Minneapolis, respectively: Chicago, No. 3 oats
	Minneapolis, No. 3 oats
	Under Announcement GR-212, revised, amended, for application to approv
	emergency sales and under Announcement GR-368 for Feed Grain Pement-in-Kind Program (certificate redemption purposes only).
	Available Minneapolis, Evanston, Kansas City, Portland, and Dallas C
Barley, bulk	Commodity Offices. Domestic, unrestricted use:
· · · · · · · · · · · · · · · · · · ·	Market price basis in store but not less than 1960 applicable loan rate p
	(1) 8 cents per bushel if received by truck or (2) 6 cents per bushel if ceived by rail or barge.
	If delivery is outside the area of production, applicable freight will be add to the above.
•	Example of the foregoing minimum price per bushel (ex rail or barge):
	Minneapolis, No. 2 or better\$1. Export:
	Trades to an experience to the second second of the second
	Under Announcement GR-212, revised, amended, for application to
	Under Announcement GR-212, revised, amended, for application to a rangements for barter and approved credit and emergency sales, and undannouncement GR-368 for Feed Grain Payment-in-Kind Program.

¹ In those counties in which grain is stored in OCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.

Commodity	Sales price or method of sale		
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the plus (1) 10 cents per bushel if received by truck of received by rail or barge. If delivery is outside the area of production, applied to the above. Example of the foregoing minimum price per bushel Minneapolis, No. 2 or better (or No. 3 on TW or Expert: Under Announcement GR-212 revised, amended, for ments for barter and approved credit and emergen nouncement GR-368 for Feed Grain Payment-in Available Minneapolis, Evanston, Portland, Dalia Commodity Offices. Domestic, unrestricted use: Market price basis in store but not less than the 1966 (1) 17 cents per hundredweight if received by thundredweight if received by rail or barge. If delivery is outside the area of production, applied to the above. Example of the foregoing minimum price per hundred Exaport:	1960 applical r (2) 7 cents able freight w i (exrail or ba ally) or application or application s, and Kanso applicable le cruck or (2) able freight w adweight (exr	rill be added rge):\$1.19 n to arrange- d under An- ram. as City CSS can rate plus 11 cents per rill be added ail or barge):\$1.98
Rice, milled (as available)	Under Announcement GR-212, revised, amended, fiments for barter and approved credit and emergen nouncement GR-368 for Feed Grain Payment-in-Available Evanston, Dallas, Kansas City, Minnes Commodity Offices. Domestic, unrestricted use: Market price but not less than equivalent 1959 lo varieties and grades plus 5 percent, adjusted for a hundredweight basis in store. Prices and quantiand grades may be obtained from Dallas CSS Cot Example of the minimum prices of milled rice per fi	ex sales, and Kind Prograupolis, and Program rate for rational rat	d uuder An- m. ortland CSS ough rice by 43 cents per by varieties ice.
		U.S. No. 3	U.S. No. 4
	Blue Bonnet	\$9.47 8.73	\$8. 76 8. 10
Rice, broken (as available)	Export: Under GR-379 for application to arrangement credit sales. Prices and quantities available by va obtained from Dallas CSS Commodity Office. Domestic or export, unrestricted use: Competitive bid but not less than \$4.78 per hund bulk) basis U.S. No. 4 browers rice fo.b. mills and	rieties and gr	ades may be
Rice, rough (as available)	Available Dallas and Portland CSS Commodity C Domestic, unrestricted use: Market price but not les 5 percent, plus 43 cents per hundredweight, basis in Export: As milled or brown under Announcement GR-36 Payment-in-Kind, and under GR-379 for approve Prices, quantities, and varieties of rough rice av	omces. s than 1959 lo store.	an rate plus
Soybeans, bulk (as available)	Portishe CSS Commonly Onices.	i9 basic loan r bushel, plus amodity Offi e basic price	ate for No. 2 the value of ce. Market to determine
Peanuts, shelled all types (as available).	Offices. Domestic, unrestricted use: Under CCC peanut Annobut not less than the following minimum prices:		
Small Red Beans (bagged) (as available).	No. 1's Virginias Spanish S.E. Runners Domestic for crushing or export: Competitive bid nouncement 1, as amended. Domestic or export, unrestricted use: Basic sales for No. 1 beans f.o. b. Washington points market price but not less than \$6.49 per hundre paid-in freight to be added, as applicable. Pric determined on the basis of market differentials. Available Portland CSS Commodity Office. Export: Competitive bid on limited quantities une OP-10 by Dallas CSS Commodity Office.	of production	Peanut An-

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: July 7, 1960.

CLARENCE D. PALMBY, Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-6491; Filed, July 12, 1960; 8:52 a.m.]

No. 135-

DEPARTMENT OF THE INTERIOR

Bureau of Land Management LOUISIANA

Notice of Proposed Withdrawal and Reservation of Land

JULY 7, 1960.

The Corps of Engineers, United States Army, New Orleans District, has filed an application for the withdrawal of the lands, hereafter described, from all forms of appropriation under the public land laws, including the United States Mining but not the Mineral Leasing Laws, subject to valid existing rights.

The applicant desires the land for use in connection with the improvement and maintenance of Southwest Pass of the Mississippi River, and the Bayou Bodcau Reservoir Project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved are:

LOUISIANA MERIDIAN, LOUISIANA

T. 20 N., R. 11 W.,

Sec. 13, Lot 16, containing 40.80 acres. T. 24 S., R. 30 E.,

Sec. 8, All Fr'l. containing 160 acres.

The area above described contains in the aggregate 200.80 acres.

H. K. SCHOLL, Manager, Eastern States Land Office.

[F.R. Doc. 60-6445; Filed, July 12, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 60-811]

STANDARD BROADCAST APPLICA-TIONS READY AND AVAILABLE FOR PROCESSING

JULY 8, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on August 13, 1960, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106

(c) (1) and § 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on August 12, 1960, or (b) if action is taken by the Commission on any listed application prior to August 13, 1960, no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut-off" because it was tirnely filed for consideration with an application on a previous such list.

(1) Applications listed below, and (2) any timely filed applications involving an engineering conflict therewith, must be amended by the close of business on August 12, 1960, to include the engineering showing required by the revision of Section V-A, FCC Form 301, adopted by the Commission on March 16, 1960, FCC 60–243; except that any such applica-tion, (1) and (2), on which a section 309(b) letter has been issued, prior to the adoption date of this notice, need not be amended to include the said showing. However, if the engineering in any such application is amended after issuance of a section 309(b) letter, the said showing must be submitted with the amendment.

Adopted: July 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE,

[SEAL] Acting Secretary.

Applications from the top of the processing line

BP-12468 NEW, Tampa, Fia. The Tamark Broadcasting Co., Inc.

Req: 810 kc, 500 w, DA-1, U. NEW, Lemoore, Calif. BP-12811 Elbert H. Dean and B. L. Golden.

Req: 1240 kc, 250 w, U. BP-12821 WEED, Rocky Mount, N.C.

William Avero Wynne. Has: 1390 kc, 1 kw, 5 kw-LS, DA-2, U. Req: 1390 kc, 1 kw, 5 kw-LS, DA-N, U.

NEW, Ebensburg, Pa. Cambria County Froadcasting Co. Req: 1580 kc, 1 kw, (CR) Day. BP-12952

NEW, Troy, N.C. BP-12997 Montgomery County Broadcasting Co. Req: 1390 kc, 500 w, Day. NEW, Fowler, Calif.

BP-13033 Morris Mindel. Req: 1220 kc, 250 w, Day. BP-13235 WMOA, Marietta, Ohio.

Marietta Broadcasting Co. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U. WSPB, Sarasota, Fla.

BP-13239 WSPB Broadcasting Co., Inc. Has: 1450 kc, 250 w, U.

Req: 1450 kc, 250 w, 1 kw-LS, U. WCLW, Mansfield, Ohio. Mansfield Broadcasting Co. BP-13241

Req: 1570 kc, 1 kv, DA, Day. BP-13242 NEW, Bonita Springs, Fla. Lee County Broadcasting Com-

Has: 1570 kc, 250 w, DA, Day.

pany, Inc. Req: 1440 kc, 5 kw, DA, Day. BP-13243

NEW, Spokane, Wash. Independent Broadcasting Co. Req: 1440 kc, 5 kw, DA-N, U.

BP-13244 WLAG, LaGrange, Ga. LaGrange Broadcasting Co. Has: 1240 kc, 250 w, U.

Req: 1240 kc, 250 w, 1 kw-LS, U. BP-13246 WJPF, Herrin, Ill. Egyptian Broadcasting Co. "Voice

NOTICES

of Egypt". Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U. WLAS, Jacksonville, N.C. BP-13247

Seaboard Broadcasting Corp. Has: 910 kc, 1 kw, Day.

Req: 910 kc, 5 kw, Day. KMHT, Marshall, Tex. Harrison County Broadcasting Co. BP-13248 Has: 1450 kc, 250 w, U.

Req: 1450 kc, 250 w, 1 kw-LS, U. BP-13249 WCLS, Columbus, Ga.

Muscogee Broadcasting Co. Has: 1580 kc, 1 kw, Day. Req: 1580 kc, 1 kw, DA-N, U. KFAM, St. Cloud, Minn. BP-13250 The Times Publishing Co.

Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U. WSKI, Montpelier, Vt. Green Mountain Broadcasting BP-13251

Co., Inc. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-13252 WASK, Lafayette, Ind. Lafayette Broadcasting, Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

NEW, Nicholasville, Ky. Nicholasville Broadcasting Co. Req: 1250 kc, 500 w, Day. BP-13253

BMP-8624 KTOD, Sinton, Tex. Southern Broadcasting Corp. Has CP: 1590 kc, 500 w, 1 kw-LS,

DA-2, U. Req MP: Change nighttime directional antenna system. BP-13256 KATI, Casper, Wyo.

KATI Corp. Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.
WKLK, Cloquet, Minn.
Cloquet Broadcasting Co.

BP-13258 Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, I kw-LS, U.

BP-13259 KNOC, Natchitoches, La. Natchitoches Broadcasting Com-pany, Inc.

Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U. BP-13260 NEW, Englewood, Tenn.

Englewood Broadcasting Co. Req: 1360 kc, 1 kw, Day. KSUM, Fairmont, Minn. KSUM Broadcasting Co. BP-13261

Has: 1370 kc, 1 kw, DA-2, U. Req: 1370 kc, 1 kw, 5 kw-LS, DA-2, U. NEW, Mauston, Wis.

BP-13263 John D. Rice. Req: 1270 kc, 500 w, Day.

BP-13265 WPPA, Pottsville, Pa. Pottsville Broadcasting Co. Has: 1360 kc, 500 w, 1 kw-LS, DA-N, U.

Req: 1360 kc, 500 w, 5 kw-LS, DA-2, U.

BP-13266 NEW, Cumming, Ga. Sawnee Broadcasting Co. Req: 1410 kc, 1 kw, DA, Day.

BP-13267 KRSD, Rapid City, S. Dak. Heart of the Black Hills Station. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

KLOG, Kelso, Wash. BP-13269 James D. Higson,

Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U. BP-13272 NEW, Newnan, Ga.

Radio Newnan. Req: 1300 kc, 500 w, Day.

BP-19275 NEW, Bartlesville, Okla. B-D Broadcasters. Req: 630 kc, 500 w, Day. BP-13276 NEW, Victorville, Calif.

George Shane. Req: 1450 kc, 250 w, U. NEW, Victorville, Calif. Jerry Carr. BP-13277

Req: 1590 kc, 500 w, Day. NEW, Yauco, Puerto Rico. BP-13278 Ponce Broadcasting Corp.

Req: 1550 kc, 250 w, U. KVEN, Ventura, Calif. BP-13279 Coast Ventura Co. Has: 1450 kc, 250 w, U.

Req: 1450 kc, 250 w, 1 kw-LS, DA-D, U.
WSWW, Platteville, Wis. BP-13280 Southwest Wisconsin Company, Inc.

Has: 1590 kc, 1 kw, Day. Req: 1590 kc, 500 w, 1 kw-LS, DA-N, U.

NEW, Blue Ridge, Ga. Fannin County Broadcasting Co. Req: 1440 kc, 500 w, Day. BP-13281

WBNY, Buffalo, N.Y.
WBNY, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.
WVOS, Liberty, N.Y. **BP-13285**

BP-13286 Sullivan County Broadcasting

Has: 1240 kc, 250 w, U.

Req: 1240 kc, 250 w, 1 kw-LS, U. NEW, Indianapolis, Ind. WIFE Corp. BP-13288 Req: 1150 kc, 1 kw, Day.

BP-13289 KANA, Anaconda, Mont. Tri-County Radio Corp. Has: 1230 kc, 250 w, U. Req: 580 kc, 1 kw, Day.

Applications on which 309(b) letters have been issued

BP-13236 KENM, Portales, N. Mex. Plains Broadcasting Co., Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U. BP-13240 NEW, Shippensburg, Pa.

Town Radio, Inc. Req: 1480 kc, 500 w, Day. WMAS, Springfield, Mass. WMAS, Inc. BP-13264

Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U. BP-13268

WOSH, Oshkosh, Wis.
Value Radio Corp.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-13270 WMIN, St. Paul, Minn. Franklin Broadcasting Co. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 500 w-LS, U. NEW, Greenville, Tenn.

BP-13271 Greene County Broadcasting Co.,

Inc. Req: 1450 kc, 250 w, U. WWSC, Glens Falls, N.Y. BP-13274 Normandy Broadcasting Corp. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

[F.R. Doc. 60-6483; Filed, July 12, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5471 etc.]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Postponement of Hearing

JULY 5, 1960.

Alabama-Tennessee Natural Gas Company, Docket Nos. G-5471, G-11982, G-17218 and G-19984.

Upon consideration of the request filed June 27, 1960, by Counsel for AlabamaTennessee Natural Gas Company for postponement of the hearing now scheduled for July 12, 1960 in the above-designated matter:

The hearing now scheduled for July 12, 1960, is hereby postponed to July 13, 1960, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-6441; Filed, July 12, 1960; 8:45 a.m.]

[Docket Nos. RI60-457, RI60-458]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rate ¹

JULY 6, 1960.

Continental Oil Company, Docket No. RI60-457; and Delaney Oil Company (Operator), et al., Docket No. RI60-458.

On June 6, 1960, the above named resepondents tendered for filing proposed rate schedule changes reflecting increases in price for natural gas sold to Tennessee Gas Transmission Company from the producing area of N. Government Wells Field, Duval County, Texas. The Notices of Change, each dated June 3, 1960, proposed an increase from 12.12268 cents to 17.24347 cents per Mcf at a pressure base of 14.65 psia. Continental's filing, designated Supplement No. 2 to its FPC Gas Rate Schedule No. 142, succeeds a filing for proposed increase suspended in Docket No. RI60-53 until June 21, 1960, and made effective as of that date pursuant to Continental's motion to make effective filed May 23, 1960. Delaney's filing, designated Supplement No. 3 to its FPC Gas Rate Schedule No. 1, succeeds a filing for proposed increase suspended in Docket No. G-20556 until June 7, 1960, or until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Delaney has not filed a motion to make the rate effective.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until December 7, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 22, 1960.

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-6442; Filed, July 12, 1960; 8:45 a.m.]

[Docket No. RI60-459]

LeCUNO OIL CORP.

Order for Hearing and Suspending Proposed Change in Rate and Allowing Increased Rate To Become Effective

JULY 6, 1960.

LeCuno Oil Corporation (LeCuno) on June 8, 1960, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser and Producing area: Mississippi
River Fuel Corporation, Woodlawn Field,
Harrison County Texas

Harrison County, Texas. Rate schedule designation: Supplement No. 12 to LeCuno's FPC Gas Rate Schedule No. 3.

Proposed increased rate: From 14.1344 cents to 14.6392 cents per Mcf at 14.65 psia. Effective date: July 9, 1960 (stated effective date is that proposed by LeCuno).

In support of its proposed periodic rate increase, LeCuno states that the contract resulted from extensive arm's-length bargaining, that denial of the proposed increased rate would be discriminatory against the seller, that the increased price is necessary to provide a fair return on its investment and to encourage further exploration, and that, as such increase is justified, denial thereof would abrogate a solemn contract and would be confiscatory of seller's property without due process of law. In addition. LeCuno incorporated by reference cost data which it submitted on December 5. 1958, in support of a motion to terminate suspension proceedings in seven dockets which involve four of its rate schedules including the subject rate schedule.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

- (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 12 to LeCuno's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.
- (2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that LeCuno's proposed increased rate be made effective as hereinafter provided and the LeCuno be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to LeCuno's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 10, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) The above-designated supplement shall be made effective as of July 10, 1960: Provided, however, That within 20 days from the date of issuance of this order, LeCuno shall execute and file under Docket No. RI60-459 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order Nos. 215 and 215A). Such agreement and undertaking shall be filed by LeCuno, signed by a responsible officer thereof, and accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless LeCuno is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of

¹This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

practice and procedure (18 CFR 1.8 or 1.37(f)) on or before August 25, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-6443; Filed, July 12, 1960; 8:45 a.m.]

[Project No. 2277]

UNION ELECTRIC CO.

Notice of Application for License

Лику 6, 1960.

Public notice is hereby given that Union Electric Company, of St. Louis, Missouri, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for a license for proposed water-power Project No. 2277, to be known as the Taum Sauk Project and to be located in Reynolds, Iron, Washington, and St. Francois Counties, State of Missouri, and situated on the East Fork of the Black River at its confluence with Taum Sauk Creek. Jurisdiction over the proposed project is now pending in the Commission in the matter of Docket No. E-6927 (DI-212), filed February 1, 1960.

The proposed project would be a highhead pumped-storage project consisting of a concrete gravity dam with a gated sluice and non-gated spillway section, located on East Fork of Black River at the confluence of Taum Sauk Creek: a reservoir with a water surface elevation of 750 feet, usable storage of 4,000 acre-feet in 15 feet of drawdown and a surface area of 370 acres, known as the "lower pool"; the "upper pool" created by a rockfill concrete-faced dike with water surface at elevation 1625 feet, storage of 4,000 acre-feet in 110 feet of drawdown, and an area of 32 acres, located on top of an adjoining mountain; a tunnel and penstock, leading to a powerhouse located on an open channel leading to the "lower pool", containing two reversible pumpunits, each having a generating capacity of 175,000 kilowatts; two 138 kv transmission lines extending to the applicant's Rivermines Substation; step-up transformers and switchyard; and appurtenant electrical and mechanical facilities. The pump-units would be operated as generators during daylight peaking operations and as pumps during the night while pumping water from the lower to the upper pool. According to the application, the project would be operated as a peak load plant, and the energy would be distributed and sold by the Applicant for public utility purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day on which protests or petitions may be filed is August 11, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-6444; Filed, July 12, 1960; 8:45 a.m.]

[Docket No. CP60-44]

AMERICAN LOUISIANA PIPE LINE CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

JULY 7, 1960.

Take notice that on February 25, 1960, American Louisiana Pipe Line Company (American Louisiana), a Delaware corporation with a principal office in Detroit, Michigan, and Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation with a principal office in Owensboro, Kentucky, filed in Docket No. CP60-44 a joint application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the exchange of natural gas through existing and a proposed new interconnection between the facilities of American Louisiana and Texas Gas at the points hereinafter described and as more fully described in the application mentioned above.

Installed interconnections and proposed interconnection:

1. Where American Louisiana's pipeline interconnects with the 26-inch line of Texas Gas near Slaughters, in Webster County, Kentucky.

2. Where American Louisiana's pipeline interconnects with the 26-inch line of Texas Gas in Acadia Parish, Louisiana.

3. Where American Louisiana's pipeline interconnects with the 10-inch line of Texas Gas in Cameron Parish, Louisiana.

4. A proposed new interconnection between American Louisiana's pipeline and the 16-inch line of Texas Gas near Bedford, in Lawrence County, Indiana.

It is estimated that the facilities which Texas Gas proposes to construct will cost approximately \$7,000. American Louisiana's tie-in facilities will cost approximately \$3,800. Both will be financed by the respective companies from cash on hand.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 4, 1960, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission. 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such joint application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before Au-

gust 1, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 60-6470; Filed, July 12, 1960; 8:49 a.m.]

[Docket Nos. CP60-32, CP60-52]

CITIES SERVICE GAS CO.

Notice of Applications and Date of Hearing

JULY 5, 1960.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, having an office in Oklahoma City, Oklahoma, filed on February 9, 1960, in Docket No. CP60-32, an application and on March 23, 1960, and April 11, 1960, supplements thereto for a certificate of public convenience and necessity, under section 7(c) of the Natural Gas Act, authorizing the construction and operation of certain additional facilities, as hereinafter described, for the purpose of meeting the estimated peak day demands of Applicant's existing customers for the heating seasons of 1961-1962 and 1962-1963, and, in part, for the purpose of meeting Applicant's contractual commitments to purchase gas in the Barber County, Kansas area. The application is intended to cover not only the bulk of Applicant's contemplated 1960 construction program, but is also intended to cover substantial construction in the years 1961 and 1962. The application also requests an order approving abandonment of certain facilities, as hereinafter described, under section 7(b) of the Natural Gas Act.

The facilities proposed to be constructed and operated and the facilities proposed to be abandoned are more particularly described as follows:

ALDEN STORAGE PROJECT

(a) In 1960, acquire approximately 2,880 acres, develop, and operate an underground gas storage field, plug and abandon old wells, drill, equip, and connect approximately 12 new storage wells located in Sections 21, 22, 27, and 28, Township 21 South, Range 9 West, Rice County, Kansas.

(b) In 1960, construct a gas gathering system for the Alden Storage Field aggregating 1 mile 6", .5 mile 8", and .5 mile 10" pipelines.

(c) In 1960, construct 12.85 miles of 16" line from Section 22, Township 21 South, Range 9 West, in the Alden Storage Field, thence in a Northeasterly direction to Applicant's existing Lyons Compressor Station located in Section 5, Township 19 South, Range 8 West, Rice County, Kansas.

(d) In 1960, construct 10.1 miles of 16" line from the end of Applicant's present 12" in the Northwest Quarter (NW¼) of Section 12, Township 21 South, Range 7 West, thence in a Northwesterly direction to Section 14, Town-

ship 20 South, Range 8 West, thence North to Applicant's Lyons Compressor Station. Reclaim 9.33 miles of the present 8" line beginning at said end of present 12", thence Northwesterly to the Northwest Quarter (NW1/4) of Section 11, Township 20 South, Range 8 West, all in Rice County, Kansas.

(e) In 1961, construct a 1,350 horsepower addition to Applicant's Lyons Compressor Station and replace present station piping with high pressure pipe

and related fittings.

(f) In 1961, construct a semi-automatic glycol dehydration plant with a capacity of approximately 75,000 Mcf per day at Applicant's Lyons Compressor Station.

INCREASE CAPACITY KANSAS-HUGOTON 26"

(a) In 1960, construct a 3,600 horse-power compressor station near Monte-zuma, Kansas, located in the Northwest Quarter (NW½) of Section 25, Township 28 South, Range 29 West, Gray County, Kansas. Also construct an 1,800 horse-power addition to this station in 1961.

(b) In 1960, construct a 3,600 horsepower compressor station near Stafford, Kansas, located in the Northwest Quarter (NW¼) Section 19, Township 25 South, Range 11 West, Stafford County, Kansas; and construct an 1,800 horsepower addition to this station in 1961.

- (c) In 1960, install turbocharging equipment on one existing 1,350 horse-power unit thus increasing the rating of this engine to 1,800 horsepower at Applicant's existing Ulysses Compressor Station located in the Southwest Quarter (SW¼) Section 28, Township 28 South, Range 38 West, Grant County, Kansas. Also construct an 1,800 horsepower addition in 1961.
- (d) In 1960, install turbocharging equipment to the present 1,350 horse-power unit to increase the rating to 1,800 horsepower at Applicant's Sublette Compressor Station, located in the Northeast Quarter (NE½) of Section 2, Township 29 South, Range 33 West, Haskell County, Kansas. Also construct a 1,350 horsepower addition to this station in 1962.
- (e) Construct an 1,800 horsepower addition to Applicant's Hugoton Compressor Station, located in the Northeast Quarter (NE½) of Section 3, Township 29 South, Range 35 West, Grant County, Kansas in 1961.
- (f) In 1961, construct a new compressor station of 800 horsepower to compress the gas received from United Producing Company, located approximately in the Southeast Quarter (SE'4) of Section 27, Township 29 South, Range 35 West, Grant County, Kansas.
- (g) In 1961, loop Applicant's existing 26" pipeline with 2.7 miles of 26" pipeline on the discharge side of the proposed Montezuma Station extending from the proposed station in the Northwest Quarter (NW1/4), Section 25, Township 29 South, Range 29 West, thence East,

paralleling the present 26" line to the Northeast Quarter (NE¼) Section 29, Township 29 South, Range 28 West, all in Gray County, Kansas.

(h) In 1961, construct an 1,800 horsepower addition and turbocharge the present 6-1100 horsepower units to a rating of 1,350 horsepower each, at Applicant's Hesston Compressor Station located in Southwest Quarter (SW1/4) of Section 8, Township 22 South, Range 1 West, Harvey County, Kansas.

(i) In 1961, construct a 5,400 horse-power compressor station near the town of Americus, Kansas, located in the Northwest Quarter (NW¼) of Section 23, Township 18 South, Range 10 East, Lyon County, Kansas. Also construct an 1,800 horsepower addition to this station in 1962.

ALVA COMPRESSOR STATION

(a) In 1960, construct an 1,800 horsepower addition to Applicant's Alva Compressor Station, located in the Northeast Quarter (NE¼), Section 36, Township 28 North, Range 14 West, Woods County, Oklahoma.

Applicant alleges that to inject gas into Alden Storage to the full capacity of said field is a two year project.

Applicant alleges that although the demands of its existing customers are steadily increasing, its supply of gas is steadily decreasing in certain areas, namely, the fields which supply its Oklahoma Hugoton-Blackwell 26-inch line, the Pampa (Panhandle)-Alva 20inch line and the area south of Blackwell, as well as other miscellaneous small fields. Applicant alleges that by reason of the utilization of the Alden Storage Field, together with the increase in capacity of the Kansas-Hugoton 26-inch line, it will have increased the peak day deliverability of gas from the Kansas Hugoton Field by approximately 145,000 Mcf of gas per day, which is required to serve the peak day requirements of the customers for the heating season 1962-1963. Applicant proposes to complete necessary construction in order that Alden Storage might be partially filled with gas during the warm months of 1960 and 1961. Applicant estimates that it can utilize from Alden Storage on the peak day of 1961-1962 approximately 35,000 Mcf of gas, which will be utilized to serve partially the requirements of Applicant's existing customers on its Hutchinson-Superior lateral, thereby displacing that same quantity of gas for transmission to Applicant's eastern markets, mainly in the Kansas

Applicant estimates that with only its present facilities it would have to curtail some of the firm demands of its customers on the 1962–1963 peak day by approximately 17,509 Mcf, and on the 1963–1964 peak day by 94,877 Mcf.

Applicant alleges that the proposed additional horsepower at the Alva Compressor Station will so reduce the pres-

sures on Applicant's gathering facilities that its contractual commitments in the Barber County area can be met.

Applicant's presently controlled gas supply is summarized by principal sources in the following table (Exhibit X-1, p. 1):

ESTIMATED RECOVERABLE RESERVES, DEC. 31,

	MMcf at
Field	14.73 psia
1. Kansas-Hugoton	4,991,932
2. Oklahoma Hugoton	1, 495, 364
3. Other Fields on Hugoton Black-	
well 26-inch	375, 955
4. Pampa-Alva 20-inch	974, 754
5. South of Blackwell	515, 655
6. Miscellaneous small fields	13, 825
•	

8, 367, 485

Some increased annual requirements are proposed to be served from new sources of supply yet to be controlled.

Applicant estimates the total capital cost of the facilities proposed in Docket No. CP60-32 as follows:

Year	Alden storago project	Hugoton- Kansas City 26-inch line	Alva station	Yearly total
1960 1961 1962 Total	\$1, 778, 800 730, 000	\$2, 561, 000 4, 157, 000 821, 000 7, 539, 000		\$4, 784, 800 4, 887, 000 821, 000 10, 492, 800

¹ Does not include cost of cushion gas, estimated in a supplement to be \$1,075,117 excluding native gas.

These costs reflect cost of removal and salvage credit for facilities to be abandoned.

Applicant proposes to pay for said construction out of treasury cash.

Take further notice that Cities Service Gas Company (Applicant in Docket No. CP60-52) filed on March 7, 1960, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate certain transmission facilities, as hereinafter described, subject to the jurisdiction of the Commission.

Applicant proposes to construct and operate approximately 9.25 miles of 16-inch pipeline extending from a point of connection with Applicant's existing 16-inch pipeline near the Northwest corner of section 17, Township 26 South, Range 1 East Sedgwick County, Kansas in a westerly direction to the proposed electric generating plant of Kansas Gas and Electric Company near the Northeast corner of Section 15, Township 26 South, Range 2 West, all in Sedgwick County, Kansas, together with pertinent meter and regulator facilities.

The purpose of the proposed facilities is to enable Applicant to serve directly on an interruptible basis the gas requirements of the proposed Gordon Evans Electric Generating Plant of Kansas Gas and Electric Company, an existing customer of Applicant. The gas is to be

used as boiler fuel in the plant. Applicant alleges that the use of gas as boiler fuel as compared with the use of fuel oil will result in substantial savings in costs to Kansas Gas and Electric Company.

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Applicant estimates sales to the Evans plant in Mcf as follows:

•	Ann			
Year	Estimated requirements	Estimated volumes to be sold (90%)	Maximum daily deliveries	
1961 1962 1963 1964	4, 230, 053 8, 226, 612 9, 248, 559 12, 380, 640	3, 807, 049 7, 403, 952 8, 323, 705 11, 142, 581	40, 504 40, 504 40, 504 81, 035	

The gas supply available to Applicant to meet the requirements of the Evans plant is the same as that shown in its application in Docket No. CP60-32.

The total cost of the construction proposed in Docket CP60-52 is \$400,000, which will be paid from treasury cash.

The applications in both of said dockets are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 7, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1960.

> MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 60-6471; Filed, July 12, 1960; 8:49 a.m.]

[Docket Nos. RI60-460-RI60-467]

GRARIDGE CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates 1

JULY 7, 1960.

Graridge Corporation (Operator), et al., Docket No. RI60-460; Joseph S. Gruss. Docket No. RI60-461: Hanley Company (Operator), et al., Docket No. RI60-462; Hunt Oil Company, Docket No. RI60-463; Frederic C. & Ferris F. Hamilton, d/b/a Hamilton Brothers, Ltd., Docket No. RI60-464; Woodward & Company, Docket No. RI60-465; Texaco, Inc., Docket No. RI60-466; Leland Davison, et al., Docket No. RI60-467.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with the exception of Graridge Corporation (Operator), et al., which is sold at 15.025 psia. The proposed changes are designated as follows:

	Respondent	Rate	Supple-	,	Notice of		Effective date 1	Rate	Cents p	er Mcf	Rate in effect
Docket No.		sched- ule No.	ment	Purchaser and producing area	change dated—	Date tendered	unless sus- pended	sus- pended until—	Rate in effect	Proposed increased rate	subject to refund in Docket Nos.
RI60-460	Graridge Corp. (Operator), et al.	1	5	Texas Gas Transmission Corp. (Mallard Bay Field, Cameron Parish, La.).	4-29-60	6-20-60	² 7-21-60	6 7-22-60	10. 1972	10. 4222	8 G −17703
R160-461	Joseph S. Gruss	5	15	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (R.R. Dist. No. 8).	6- 9-60	6-13-60	7-14-60	12-14-60	{ 11.1056 11.0	17, 2295 17, 2295	
RI60-462	Hanley Co. (Operator), et al.	6 28	3	West Lake Natural Gasoline Co. (Lake Trammell Field, Nolan County, Tex.) (R.R. Dist. No. 7B.)	6- 9-60	6-16-60	7-17-60	7-18-60	6, 9918	8. 5	RI60-99
RI60–463	Hunt Oil Co	49	2	Northern Natural Gas Co. (East Camrick Field, Beaver County, Okla.).	61560	6-16-60	7-17-60	12-17-60	15. 5	16. 5	
RI60-464	Frederic C. & Ferris F. Hamilton d/b/a Hamilton Brothers, Ltd.	2	2	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (R.R. Dist. No. 10).	6-16-60	6-17-60	7-18-60	12-18-60	15. 5	16. 5	
RI60-465	Woodward & Co	1	8	Tennessee Gas Transmission Co. (Premont and West Magnolia City Fields, Jim Wells County, Tex.)	Undated	46-8-60	7- 9-60	12- 9-60	12. 12268	17. 24347	
RI60-466	Texaco, Inc		3	(R.R. Dist. No. 4). El Paso Natural Gas Co. (Jalmat, Eumont, and Blinbry Fields, Lea County, N. Mex.).	do	6-20-60	7-21-60	12-21-60	⁸ 10. 5	№ 1 5. 5599	G-14096
RI60-467	Leland Davison, et al.	29 30 31 2	3 3 3 2	dodododododododo	6-9-60	6-17-60				17. 2295	
		1 3	3 3	Dist. No. 8).	6-9-60 6-10-60						

The stated effective date is the effective date proposed by respondent or the first day after expiration of the required thirty days' notice.
 Or the day dehydration begins, whichever date is later.
 Also subject to order in Docket No. G-16071.

Graridge Corporation (Operator), et al., submitted a proposed increased rate, which reflects its election to dehydrate the gas prior to delivery into buyer's pipeline. The proposed in-creased rate includes reimbursement of the Louisiana severance tax of questionable amount. When the subject increased rate is made effective pursuant to the Natural Gas Act, only the tax portion of the rate will be subject to refund.

In support of their proposed renegotiated rate increases, Joseph S. Gruss and Leland Davison, et al. submit copies of the renegotiated agreements and state that such agreements resulted from arm's-length negotiation and the increased price was a major consideration to sellers in surrendering their rights under the favored-nation clauses. They further state that the increased price is fair and does not exceed the value of gas in the area.

In support of its favored-nation rate increases, Texaco, Inc. cites its contract favored-nation clauses and the renegotiated increased rates and states that the contract resulted from bargaining at arm's length and the increased rates are needed to encourage exploration and offset increasing costs. Texaco also cites

4 The filing was completed on June 17, 1960.

Includes 0.4467 cents per Mcf for compression charged by buyer.
Or until the day after dehydration begins, whichever date is later.

U.S. Bureau of Labor Statistics reports showing increases in wages and wholesale prices.

In support of its proposed revenuesharing rate increase, Hanley Company (Operator), et al. cites the contract revenue-sharing provisions and West Lake Natural Gasoline Company's increased 17.0 cents per Mcf resale rate to El Paso Natural Gas Company, which is in effect subject to refund in Docket No. RI60-30, and cites a letter from West Lake advis-

² This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

ing as to the increased 8.5 cents per Mcf price. Hanley further states that the increased price is necessary to offset increasing costs and provide a reasonable rate of return on investment. Hanley requests waiver of notice requirements to allow its proposed increased rate to become effective as of June 23, 1960, the date West Lake's increased rate to El Paso became effective subject to refund in Docket No. RI60-30.

Hunt Oil Company and Frederic C. and Ferris F. Hamilton, d/b/a Hamilton Brothers, Ltd., propose renegotiated rate increases for sales of natural gas to Northern Natural Gas Company. The subject increases are provided by amendatory agreements wherein buyer agrees to increase the price by 1.0 cent per Mcf in consideration of sellers' relinquishing their rights to construct plants and process the gas for removal of liquid hydrocarbons. Hunt and Hamilton claim the proposed changes do not change the rates of charges made for natural gas sold to Northern, since they involve the compensation for liquid hydrocarbons. Hunt and Hamilton have not submitted the required material for rate changes and offer no support.

In support of its proposed favorednation rate increase, Woodward & Company cites the contract favored-nation provisions and submits copies of Tennessee Gas Transmission Company's letter establishing the increased rate.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedules nor the supplements thereto involved in the above-proposed changes shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules

of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 22, 1960:

By the Commission.

MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 60-6472; Filed, July 12, 1960; 8:49 a.m.]

[Docket No. G-13875]

NORTHERN NATURAL GAS CO.

Notice of Amendments to Application

JULY 7, 1960.

Take notice that Northern Natural Gas Company (Northern), a Delaware corporation with principal place of business at 2223 Dodge Street, Omaha 1, Nebraska, filed on February 12, 1959, July 6, 1959, and May 6, 1960, amendments to its application for a certificate of public convenience and necessity previously filed on December 10, 1957, pursuant to section 7(c) of the Natural Gas Act, authorizing Northern to construct and operate natural-gas facilities in connection with testing the Mt. Simon formation of the Redfield Storage Field. Notice of the original application filed December 10, 1957, as amended June 2, 1958, was issued July 16, 1958, and published in the FEDERAL REGISTER on July 22, 1958 (23 F.R. 5554-5).

On July 10, 1958, Northern was granted temporary authority to construct and operate a 2.000-horsepower compressor station at Redfield, Iowa, to permit testing of the Mt. Simon formation of the Redfield Storage Field, subject to the condition that the "* * * maximum inventory of natural gas in the Mt. Simon formation to be tested for storage purposes shall be eight billion cubic feet". By letters dated April 14, 1959, and July 31, 1959, Northern's temporary certificate was amended to increase the maximum inventory of natural gas authorized for storage in the Mt. Simon formation to 15 and 25 billion cubic feet, respectively.

Northern's amended application filed May 6, 1960, requests authority to increase the gas storage inventory in the Mt. Simon formation from the present level of 25 billion cubic feet to a level of 45 billion cubic feet and to install and operate an additional 2,000-horsepower compressor unit at the Redfield Compressor Station. The amended application states that the additional facilities and increased maximum inventory are necessary to permit the large-scale testing "* * * required before placing the Mt. Simon on a permanent operating basis". Northern states that during 1959 drilling activities for the Mt. Simon reservoir were concluded and that no further drilling is planned. According to the amended application there are now 27 withdrawal wells and 8 observation wells bottomed in the Mt. Simon formation.

Northern avers that the authority requested will enable it to inject during this summer and early fall up to 140,000 Mcf of gas per day and to increase the volume of gas in the Mt, Simon to a level slightly

below 45 billion cubic feet by the beginning of the 1960-61 heating season. With a gas storage inventory of about 45 billion cubic feet, Northern states that it will be able to "* * * conduct withdrawal tests during the 1960-61 heating season on a basis which will yield definitive test data respecting the production capabilities of the Mt. Simon reservoir".

Exhibit G attached to the application shows that the total estimated cost of the facilities for which authorization is sought in the amended application is \$398,500, such expenditure being in addition to the revised estimated total cost of facilities, previously given as \$1,866,000 in the amended application filed June 2, 1958.

Protests or petitions to intervene with respect to the amended application heretofore described may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 26, 1960.

MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 60-6473; Filed, July 12, 1960; 8:49 a.m.]

[Docket No. G-19983]

TENNESSEE GAS TRANSMISSION CO.

Order Extending Time for Filing Briefs and Postponing Oral Argument

JULY 6, 1960.

By order issued June 17, 1960 the Commission, among other things, provided for briefs to be filed on or before July 15, 1960 and oral argument to be heard July 21, 1960 on the issue of rate of return. On June 23, 1960 Counsel for Tennessee Gas Transmission Company filed a request for extension of time for filing briefs and for postponement of the oral argument.

The Commission finds:

- (1) It is not appropriate in the public interest to grant the extension as requested and to postpone the oral argument for more than a month as requested.
- (2) An extension of one week for filing briefs and for hearing oral argument as hereinafter provided would be appropriate.

The Commission orders:

- (A) Main briefs on the issue of the proper rate of return for Tennessee Gas Transmission Company shall be filed and served by all parties who desire to do so, on or before July 22, 1960.
- (B) Oral argument before the Commission shall be heard on July 29, 1960 at 10:00 a.m. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.
 (C) The provisions of the order issued
- (C) The provisions of the order issued June 17, 1960, except as hereinabove modified, shall remain in full force and effect.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6474; Filed, July 12, 1960; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board OCEAN STEAM SHIP CO., LTD., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

- (1) Agreement No. 7568-2, between The Ocean Steam Ship Company, Ltd., The China Mutual Steam Navigation Co., Ltd., and Nederlandsche Stoomvaart Maatschappij "Oceaan", modifies approved joint service Agreement No. 7568, as amended, which covers the trades between ports of the United States and Hawaiian Islands (not including transportation within the purview of the Coastwise Laws of the United States) and ports in British North America, West Indies, Central America, South America, Africa, Asia, Japan, Australasia, Philippine Islands, Europe and all ports in islands or groups of islands adjacent thereto. This modification provides for (1) the elimination of Nederlandsche Stoomvaart Maatschappij "Oceaan" as a joint service party, and (2) for reapportionment as between the parties of the expenses in connection with the participation of the joint service in conferences.
- (2) Agreement No. 8501, between Weaver Bros., Inc., and Fuget Sound-Alaska Van Lines, Inc., covers a through billing arrangement on cargo between Seattle, Washington, and places in the interior of Alaska, with transshipment at Seward, Alaska. Agreement No. 8501, upon approval, will supersede and cancel approved Agreement No. 8447, between the same parties.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 8, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER, Secretary.

[F.R. Doc. 60-6458; Filed, July 12, 1960; 8:47 a.m.]

Office of the Secretary JOHN W. BUSKIE

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section

710(b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

- Name of appointee: Mr. John W. Buskie.
 Employing agency: Department of Commerce, Business and Defense Services Administration.
- 3. Date of Appointment: June 28, 1960.
- 4. Title of position: Assistant Director for Mobilization Planning (Ferro-Alloys).
- 5. Name of private employer: Tennessee Products & Chemical Corp., Nashville, Tenn.

CARLTON HAYWARD, Director of Personnel.

JUNE 15, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Tennessee Products & Chemical Corp.
Colorado Fuel & Iron Corp.
American Telephone & Telegraph Co.
Admiral Corp.
Foremost Dairies.
Fedders Corp.
Reynolds Metals Co.
Kaiser Aluminum & Chemical Corp.
P. Lorillard Co.
General Dynamics Corp.
Bank Deposits.

JOHN W. BUSKIE.

June 29, 1960.

[F.R. Doc. 60-6459; Filed, July 12, 1960; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDU-CATION, AND WELFARE

Public Health Service

ORGANIZATION AND FUNCTIONS

Amendment of Statement of Delegations of Authority

The Statement of Organization and Functions of the Public Health Service (23 F.R. 4039) is hereby amended as follows:

- 1. Add at the end of subsection 109(s) the following new subparagraphs (t) and (u):
- (t) The Medical Officer in Charge, the Deputy Medical Officer in Charge, the Assistant Medical Officer in Charge, and the Executive Officer, in the respective Area Offices of the Division of Indian Health, Bureau of Medical Services, are authorized to make arrangements and agreements, pursuant to subsection 7(a) (3) of Public Law 86–121, regarding contributions and to accept such contributions toward the construction, improvement, extension and provision of

sanitation facilities, under the Indian health sanitation facilities program.

(u) The Chief, Division of Indian Health, Bureau of Medical Services. is authorized to exercise the following functions under Public Law 85-151: (i) To make determinations pursuant to section 1 of the Act, as to whether Federal financial assistance is more desirable than direct Federal construction, of . needed health facilities for the Indians; (ii) to prescribe standards of construction and to require submittal of architectural plans, pursuant to section 3 of the Act; (iii) to offer, execute and amend agreements to extend Federal financial assistance, and to determine reasonable cost of the construction project, pursuant to sections 1 and 2 of the Act; and (iv) to prescribe and obtain such assurances and agreements as are equitable in the light of the financial assistance provided, and to assure the availability of the facility for hospital and medical care for Indians, pursuant to sections 1 and 3 of the Act.

- 2. Subsection 109(m) is amended to read:
- (m) The Chief, Bureau of Medical Services, the Chief and the Assistant Chief, Division of Foreign Quarantine, and the Assistant Chief for Entomology in the Epidemiology and Domestic Operations Branch, Division of Foreign Quarantine, are authorized to: (i) Issue permits for the importation of psittacine birds, pursuant to subsections 71.152(b) (1) and (2) of the Public Health Service Regulations; and (ii) issue permits for the importation and distribution of etiological agents and vectors, pursuant to section 71.156 of the Public Health Service Regulations.
- 3. Subsection 109(n)' is amended to read:
- (n) The Chief, and Assistant Chief, Division of Foreign Quarantine, and the Assistant Chief for Entomology in the Epidemiology and Domestic Operations Branch, Division of Foreign Quarantine, are authorized to make findings as to the effectiveness of insecticides for aircraft, pursuant to subsection 71.102(b) of the Public Health Service Regulations.
- 4. Add a new section 109.1 immediately following the end of section 109 as amended as follows:

SEC. 109.1 Redelegations by the Chief, Division of Administrative Services. The Medical Officer in Charge, the Deputy, and the Assistant Medical Officer in Charge, the Executive Officer or Administrative Officer, and the General Services Officer, of the respective Area Offices of the Division of Indian Health, Bureau of Medical Services, are authorized to exercise the following functions under Public Law 86-121: (i) To obtain rights or interests in lands or water, pursuant to subsection 7(a)(2) of the Act; (ii) to transfer sanitation facilities together with appurtenant interests in lands, pursuant to subsection 7(a) (4) of the Act: and (iii) to execute contracts under

Indian health sanitation facilities program, pursuant to subsection 7(a)(1) of the Act.

[SEAL]

PAUL A. CAULK, Executive Officer. Public Health Service.

APRIL 15, 1960.

[F.R. Doc. 60-6462; Filed, July 12, 1960; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMU-NITY FACILITIES ACTIVITIES, RE-GION IV, CHICAGO

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region IV (Chicago), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended, (64 Stat. 77, as amended, 12 U.S.C. 1749-1749c), is hereby authorized within such Region to execute loan agreements and amendments thereof involving loans for student and/or faculty housing and for other educational facilities.

This redelegation supersedes the redelegation effective June 7, 1960 (25 F.R. 5009, June 7, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] JOHN P. McCollum, Regional Administrator, Region IV.

[F.R. Doc. 60-6478; Filed, July 12, 1960; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMU-NITY FACILITIES ACTIVITIES, RE-GION IV, CHICAGO

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region IV (Chicago), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region to enter into contracts and amendments thereof with public agencies involving loans for essential public works or facilities.

This redelegation supersedes the redelegation effective June 7, 1960 (25 F.R. 5009, June 7, 1960)...

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July

[SEAL] JOHN P. McCollum, Regional Administrator, Region IV.

[F.R. Doc. 60-6479; Filed, July 12, 1960; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMU-NITY FACILITIES ACTIVITIES, RE-GION IV, CHICAGO

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region IV (Chicago), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers and amendments thereof to public agencies involving advances to aid in planning proposed pub-

2. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraph 1 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraph 1 above.

This redelegation supersedes the redelegation effective June 7, 1960 (25 F.R. 5009, June 7, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23.1960))

Effective as of the 1st day of July 1960.

[SEAL] JOHN P. McCollum. Regional Administrator, Region IV.

[F.R. Doc. 60-6480; Filed, July 12, 1960; 8:50 a.m.]

SMALL BUSINESS ADMINISTRA-

[Declaration of Disaster Area 285]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas:

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Calhoun (rain and flood occurring

on or about June 26 and 27, 1960).
Offices: Small Business Administration
Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Kallison Building, Room 412, 434 South Main Avenue, San Antonio 5, Tex.

- 2. No special field offices will be established at this time.
- 3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31.

Dated: June 29, 1960.

PHILIP McCallum. Administrator.

[F.R. Doc. 60-6453; Filed, July 12, 1960; 8:47 a.m.]

[Delegation of Authority 30-XIV-1, Revision 1]

CHIEF, FINANCIAL ASSISTANCE **DIVISION**

Delegation Relating to Financial Assistance Function

- I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706) there is hereby redelegated to the Chief, Financial Assistance Division. authority:
- A. Financial assistance. 1. To prove and decline direct and participation business and disaster loans.
 - 2. To disburse approved loans.
- 3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.
- 4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator, By (Name) Chief, Financial Assistance Division.

- 5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.
- 6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.
- 7. To approve, when requested, in advance of disbursement, conformed copies

No. 135-8

of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take the following actions in the Administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of \$50,000 or less for a period not to exceed four months:

- (c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of \$20,000, or less:
- (d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;
- (e) Disburse fisheries' loans in the same manner as SBA ousiness loans; and
- (f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.
- 10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, con-tracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights. charges on and interest in or to property of any kind, legal and equitable. now or hereafter held by the Small Business Administration or its Administrator: Provided, however, That he may not assign, endorse, transfer deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials, representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

II. The specific authority delegated in I.A may not be redelegated.

III. All authority delegated herein may be exercised by any SBA Employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under such Delegation of Authority prior to the date hereof.

Effective date: March 7, 1960.

Donald McLarnan, Regional Director, Los Angeles Regional Office.

[F.R. Doc. 60-6454; Filed, July 12, 1960; 8:47 a.m.]

[Delegation of Authority 30-XIV-8]

CHIEF, INVESTMENT DIVISION Delegation Relating to Investment Functions

I. Pursuant to authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706) there is hereby delegated to the Chief, Investment Division the authority:

A. Investment program. 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorizations or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances or partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

II. The authority delegated in I.A may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Investment Division.

IV. All previous authority delegated by the Regional Director to the Chief, Investment Division is hereby rescinded without prejudice to actions taken under such Delegation of Authority prior to the date hereof.

Effective date: March 7, 1960.

DONALD McLARNAN, Regional Director, Los Angeles Regional Office.

[F.R. Doc. 60-6455; Filed, July 12, 1960; 8:47 a.m.]

[Delegation of Authority 30-XIV-9]

BRANCH MANAGER, PHOENIX, ARIZ.

Delegation Relating to Branch Operations

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6) (25 F.R. 1706), there is hereby delegated to the Branch Manager, Phoenix, Arizona, the authority:

A. Financial assistance. 1. To decline limited loan participation loans.

2. To approve or decline disaster loans not in excess of \$20,000.

3. To take all necessary actions in connection with the administration, servicing and collection of all loans.

B. Procurement and technical assistance. 1. To (a) determine joint setasides for Government procurements and sales, (b) determine the need for representation at procurement and disposal centers.

C. Administration. 1. To administer oaths of office.

2. To approve annual and sick leave.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of \$10 in any one object class in any one instance but not more than \$20 in any one month for total purchases in all object classes; (b) make purchases not in excess of \$10 in any one instance for "one-time use items" not carried in stock subject to the total limitation set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed \$20 in any one instance.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

D. Correspondence. To sign non-policy making correspondence except Congressional correspondence, correspondence with the Washington Office, and correspondence to borrowers or guarantors containing any threat of legal action or complaint concerning the operation of the Phoenix Office or its personnel.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein except that contained in section I.A 1, 2, and 3 may be exercised by any SEA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager is rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: March 7, 1960.

Donald McLarnan, Regional Director, Los Angeles Regional Office.

[F.R. Doc. 60-6456; Filed, July 12, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 40-41, Revised, \$0.70

Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Parts 210-399, Revised (\$4.00); Parts 400-899, Revised, (\$5.50); Parts 900-959 (\$1.50); Part 960 to End (\$2.50); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 14, Parts 1—39 (\$0.65); Parts 40—399 (\$0.75); Part 400 to End (\$1.75); Title 15 (\$1.25); Title 16, Revised (\$6.50); Title 17 (\$0.75); Title 18 (\$0.55); Title 19 (\$1.00); Title 20 (\$1.25); Title 21 (\$1.50); Titles 22-23 (\$0.45); Title 24 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (\$\$ 1.01-1.499) (\$1.75); Parts 1 (§ 1.500 to End)-19 (\$2,25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 1-399 (\$2.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800–999, Revised (\$3.75); Parts 1000– 1099, Revised (\$6.50); Part 1100 to End (\$0.60); Title 33 (\$1.75); Title 35, Revised (\$3.50); Title 36, Revised (\$3.00); Title 37, Revised (\$3.50); Title 38 (\$1.00); Title 39 (\$1.50); Title 42, Revised (\$4.00); Title 43 (\$1.00); Title 46, Parts 150 to End (\$0.65); Title 47, Parts 1–29 (\$1.00); Parts 146–149, Revised (\$6.00); Parts 146–149 (1950 Supp. 1) (\$0.55); Part 150 to End (\$0.65); Title 47, Parts 1–29 (\$1.00); Part 30 to End (\$0.30); Title 49, Parts 1-70 (\$1.75); Parts 71-90 (\$1.00); Parts 91-164 (\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.